

By Mr. HOUSTON: Paper to accompany bill for relief of John B. Johns—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of W. R. Huffman and John T. Rice—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Pan-American Bureau of Education, for a commission to investigate and report relative to establishment of a pan-American university—to the Committee on Education.

By Mr. LILLEY: Paper to accompany bill for relief of Francis Beaumont—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Maritime Trades Council, for construction of a new battle ship in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York City, for relief of widows and children of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. JOHNSON of South Carolina: Papers to accompany bills for relief of Emily C. Cooper and John M. Wilson—to the Committee on Pensions.

Also, papers to accompany bills for relief of John B. Dill, Mary A. Edwards, and Nannie E. Lewderman—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petition of Massachusetts Library Club, against S. 2900 and H. R. 11794, which provided for consolidation and revision of acts respecting copyright—to the Committee on Patents.

Also, petition of Massachusetts Institute of Technology, for forest reservation—to the Committee on Agriculture.

Also, petition of National Association of Cotton Manufacturers, for law that will contribute to preservation of forests—to the Committee on Agriculture.

By Mr. KNAPP: Papers to accompany bills for relief of Wakeman D. Smith and Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of adjutant-general's office, of Albany, N. Y., for legislation to promote efficiency of the militia—to the Committee on Militia.

By Mr. McCALL: Petition of voters of Massachusetts for assignment of more work to Boston Navy-Yard—to the Committee on Naval Affairs.

By Mr. McGUIRE: Paper to accompany bill for relief of Santovoir Q. Brown, alias Bird—to the Committee on Military Affairs.

By Mr. McKINNEY: Petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., favoring public improvements—to the Committee on Rivers and Harbors.

Also, petition of Local Union No. 241, Carpenters and Joiners of America, of Moline, Ill., for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of citizens of District of Columbia, for control of street railways of the District by the District Commissioners, etc.—to the Committee on the District of Columbia.

Also, petition of Maritime Association of Port of New York, for a light and fog signal on Governors Island—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Rachel S. Marshall—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of citizens of Eustis, Nebr., in favor of bill for Federal grain inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: Petition of Marine Trades Council, for construction of battle ship in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of W. R. Moore—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Abraham Toller and Emily Hayes, administratrix of Oliver B. Hayes—to the Committee on War Claims.

By Mr. PRINCE: Petitions of C. H. Williamson and 62 others of Quincy; L. W. Sanborn and 48 others of Galesburg and Abingdon; George W. Burke and 17 others of Brooklyn and Adams County; and W. E. Trim and 42 others of Adams County, all in the State of Illinois, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PEARRE: Paper to accompany bill for relief of St. Paul's Episcopal Church of Sharpsburg, Md.—to the Committee on War Claims.

By Mr. PUJO: Petition of Shreveport Ministerial Association, for legislation to prevent infringement of State laws on prohibition—to the Committee on the Judiciary.

Also, petition of Savannah (Ga.) Pilots' Association, against H. R. 4771—to the Committee on the Merchant Marine and Fisheries.

By Mr. RIORDAN: Petition of Robert G. Shaw Post, No. 12, Grand Army of the Republic, Department of New York, against abolition of the pension agencies—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of voters of Massachusetts, requesting that work may be sent to the Boston Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Andrew J. Martin and other volunteer officers of the civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Boston Wholesale Grocers' Association, against the Sherman antitrust law, so far as it is detrimental to cooperation of the smaller dealers—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of American Society of Civil Engineers, for the establishment of Government forest reserves—to the Committee on Agriculture.

Also, Petition of Boston Wholesale Grocers' Association, for amendment of the pure-food act—to the Committee on Agriculture.

Also, petition of Boston wholesale grocers, to amend interstate-commerce act, so as not to interfere with cooperation among smaller dealers—to the Committee on Interstate and Foreign Commerce.

Also, petition of adjutant-general of Connecticut, for H. R. 14783, to increase efficiency of the militia—to the Committee on Militia.

By Mr. SHERMAN: Paper to accompany bill for relief of Frank Schader—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Alumni Association of the New York Nautical School, against detaching naval officers from duty as superintendents at nautical schools—to the Committee on Naval Affairs.

Also, petition of Nelson H. Henry, favoring bill to be introduced further amending act to promote efficiency of the militia—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Farmers' Union of Worcester Township, Montgomery County, Pa., in favor of a parcels-post similar to that in Great Britain—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD: Petition of E. H. Bedell, of Newark, N. J.; Albert F. Ganz, of Hoboken, N. J.; Henry S. Morton, of New York; A. Riesenburger, of Union, N. J.; Edwin L. Wiles, of Denver, Colo.; J. E. Sague, of Albany, N. Y.; W. E. S. Strong, of Chicago; and Roy E. Lynd, of Dover, N. J., for H. R. 11562, for repayment of \$45,750 to the Stevens Institute of Technology, Hoboken, N. J.—to the Committee on Claims.

SENATE.

TUESDAY, January 28, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PRIVILEGES OF THE FLOOR.

Mr. LODGE submitted the following order, which was unanimously agreed to:

Ordered, That the privilege of the floor be extended to Benito Legarda and Pablo Ocambo, Resident Commissioners appointed by the Philippine assembly in accordance with the provisions of the act approved July 1, 1902.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement;

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties; and

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 456. An act to provide for the holding of United States district and circuit courts at Salisbury, N. C.;

S. 2694. An act to authorize the construction of a drawbridge over the Black River in Lawrence County, Ark.;

H. R. 7606. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905;

H. R. 10368. An act to authorize the Secretary of War to change the name of Julius Flemming to his proper name of Jacob John Locher; and

H. R. 12412. An act to authorize the Missouri and North Arkansas Railroad Company to construct a bridge across Cache River in Woodruff County, Ark.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the general assembly of the State of Virginia, which was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

Joint resolution.

Whereas the question of an inland waterway along the Atlantic coast for the passage of large vessels and ships of war is being agitated, and the fact that such route would be of great advantage from a strategic standpoint in case of war, as well as of great importance from a commercial standpoint, and would permit safe water transportation south, avoiding the dangerous coast of Hatteras, which is of such a menace to commerce, causing high insurance for valuable cargoes, thereby increasing freight rates, etc.; and

Whereas upon the completion of the Panama Canal an inland waterway will be essentially necessary to afford quick transportation under all conditions of weather, and will be of great benefit especially to the farmers of the country in transporting their produce through this route, thence through the Panama Canal to the Far East to new and larger fields of trade: Therefore be it

Resolved by the house of delegates (the senate concurring). That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence and vote for the passage of a bill embracing a liberal appropriation for an inland waterway along the Atlantic coast, and that before any route is finally selected through this State our Representatives in Congress are further directed to request the Secretary of the Navy to appoint a board of naval officers to ascertain, upon inspection, the best route in their opinion from a naval standpoint, taking into consideration all the advantages other than from an engineering standpoint, which is fully covered by the report of the Army engineers, and this report to be submitted to Congress by the Secretary of the Navy for its information and guidance in dealing with the question.

It is directed that the clerk of this house forward certified copies of these resolutions to the President of the United States, the Secretary of the Navy, the presiding officers of both Houses of Congress, and to each of Virginia's Representatives in the Congress of the United States.

Agreed to by the general assembly of Virginia January 14, 1908.

JOHN W. WILLIAMS,

Clerk of House of Delegates and Keeper of Rolls of Virginia.

The VICE-PRESIDENT presented a petition of the Wayne Knitting Mills, of Fort Wayne, Ind., praying for the adoption of an amendment to the present interstate-commerce law providing for a uniform classification of goods shipped by freight throughout the United States, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Grass Valley, Cal., praying that an appropriation be made for the purchase of a site and erection of a public building thereon at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Commercial Travelers' Association of San Francisco, Cal., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of 554 volunteer officers of the Army and Navy during the civil war and a petition of 2,509 representative citizens, all of the State of California, praying for the enactment of legislation creating a volunteer retired list in the War and Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. CLAY presented sundry petitions of citizens of Marietta, Ga., praying for the enactment of legislation for the relief of the Methodist Episcopal Church South at that city, which were referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Bellingham, Wash., praying that an appropriation be made for the purchase of additional submarine torpedo boats for the defense of Puget Sound in that State and the cities along its coast, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry volunteer officers of the civil war of Meyers Falls, Harvey, Colville, and Daisy, all

in the State of Washington, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of Pomona Grange, Patrons of Husbandry, of Chautauqua County, N. Y., praying for the establishment of postal-savings banks, and also for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Ilion, N. Y., praying for the ratification of international arbitration treaties, and also for the adoption of a progressive naval programme which will give the United States a more efficient Navy, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying for the adoption of an amendment to the interstate commerce law providing that whenever a railroad company shall propose to increase an interstate rate notice of the increase shall be furnished shippers, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Commercial Club of Fertile, Minn., and a memorial of Local Council No. 63, United Commercial Travelers of America, of Minneapolis, Minn., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented a memorial of sundry citizens of Craig, Colo., remonstrating against the enactment of legislation providing for the Federal control of grazing upon public lands in the United States, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Fruita, Colo., praying for the enactment of legislation providing for the Government guaranty of deposits in national banks, which was referred to the Committee on Finance.

He also presented petitions of sundry volunteer officers of the civil war of Colorado Springs, Boulder, Florence, Fort Collins, Denver, and Cortez, all in the State of Colorado, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of the National Conference on Combinations and Trusts of Chicago, Ill., praying for the enactment of legislation permitting agreements between railroad corporations on reasonable freight and passenger rates subject in all respects to the approval, supervision, and action of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. BACON presented sundry papers to accompany the bill (S. 3206) for the relief of the estate of Sybil A. Penniman, which were referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Greensburg, Ind., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on the Judiciary.

He also presented the petition of A. H. Wampler and sundry other citizens of Gosport, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented the petition of C. E. Triplett and 138 other volunteer officers of the civil war, of the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a memorial of sundry citizens of Enid, N. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Hunter, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a memorial of the Commercial Club of Des Moines, Iowa, remonstrating against the passage of the so-called "Crumpacker bill," relating to the method of selecting and employing additional clerks to handle the Thirtieth Census, which was referred to the Committee on the Census.

He also presented a petition of the Ladies' Literary Club of Independence, Iowa, and a petition of the National Association

of State Universities, of Washington, D. C., praying for the establishment of a national forest reserve in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CURTIS presented a petition of the Commercial Club of Topeka, Kans., praying that interested parties be granted a hearing before the Interstate Commerce Commission before an increase in rates can be put into effect and higher charges collected, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry veterans of Chautauqua County, Kans., praying that increased pension be granted them on account of age, which was referred to the Committee on Pensions.

He also presented a memorial of the Fort Scott Council, No. 66, United Commercial Travelers, of Fort Scott, Kans., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Kansas City, Kans., praying for the enactment of legislation providing for the Federal inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of sundry third-class postmasters of the First Congressional district of Nebraska, praying for the enactment of legislation placing third-class postmasters on the same basis as second-class postmasters as to allowances for clerk hire and equipment for post-offices, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 3189) granting an increase of pension to John G. Snook, which were referred to the Committee on Pensions.

Mr. HALE presented a petition of the Board of Trade of Portland, Me., praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented petitions of sundry volunteer officers of the civil war, of Portland, Lubec, Houlton, Bridgton, and Pittsfield, all in the State of Maine, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. STEPHENSON presented the memorial of M. J. Hansen and 14 other citizens of Fall River, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 93, American Federation of Musicians, of Superior, Wis., praying for the enactment of legislation to prohibit Army and Navy musicians from competing with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a petition of W. S. Rosecrans Post, No. 49, Department of Wisconsin, Grand Army of the Republic, of Grantsburg, Wis., praying for the enactment of legislation making \$20 per month the maximum pension at the age of 65 years, which was referred to the Committee on Pensions.

He also presented a petition of the Petworth, Brightwood Park, Brightwood and Takoma Park Citizens' associations of the District of Columbia, praying for the enactment of legislation authorizing the Commissioners of the District of Columbia to regulate and control the management of street railway companies in the District of Columbia with respect to schedules, cleanliness, etc., of all passenger cars, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Portage, Wis., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Business Men's Association of Stevens Point, Wis., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the General Assembly of the Commercial Telegraphers' Union of America, of Milwaukee, Wis., praying that an investigation be made into the existing conditions of the telegraph companies in the United States, which was referred to the Committee on Education and Labor.

He also presented petitions of the Military Order of the Loyal Legion of the United States, Commandery of Wisconsin; of S. H. Siger Post, No. 207, Grand Army of the Republic, Department of Wisconsin, and of sundry volunteer officers of the civil war, all in the State of Wisconsin, praying for the enactment of legislation to create a volunteer retired list in the War and

Navy Departments for surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of the Wisconsin Pea Packers' Association, praying for the enactment of legislation to relieve the present financial situation, which was referred to the Committee on Finance.

He also presented a petition of the National Institute of Arts and Letters, praying for the repeal of the duty on works of Art, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the enactment of legislation to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Chicago, Ill., and a memorial of the Produce Exchange of New York City, N. Y., remonstrating against the enactment of legislation providing for a uniform inspection of grain under Federal control, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Union No. 545 of Waukesha, of Local Union No. 163 of Superior, and of Local Union No. 324 of Racine, all of the International Typographical Union, in the State of Wisconsin, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the American Institute of Electrical Engineers, of Boston, Mass., and a petition of the National Association of State Universities, of Washington, D. C., praying for the enactment of legislation to establish national forest reserves in the southern Appalachian and White mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of New York, praying for the passage of the so-called "ship subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of New York, praying that an appropriation be made for the improvement of Pearl Harbor, in the Hawaiian Islands, which was referred to the Committee on Commerce.

He also presented a petition of the National Association of Audubon Societies for the Protection of Wild Birds and Animals, of New York City, N. Y., praying for the enactment of legislation for the protection of wild birds and game in the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Fruit Growers' Association of the State of California, praying for the enactment of legislation providing for a modification of the present Chinese-exclusion law, which was referred to the Committee on Immigration.

TONKAWA INDIANS OF OKLAHOMA.

Mr. OWEN. I present a memorial of the Tonkawa tribe of Indians, of Oklahoma, relative to their claim against the United States, arising out of a pretended agreement between them and the United States, dated October 21, 1891. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

COMMAND OF HOSPITAL SHIPS.

Mr. GALLINGER. I present a memorandum relating to the command of hospital ships in the United States Army and Navy. I move that it be printed as a document and referred to the Committee on Naval Affairs.

The motion was agreed to.

EMPLOYERS' LIABILITY BILL.

Mr. BURKETT. I present a compilation of the laws of the States, the Territories, and the United States regulating the liability of employers for injuries to employees, prepared by the Bureau of Labor. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1162) to correct the naval record of Alfred Burgess; and

A bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

Mr. CURTIS, from the Committee on Indian Depredations, to whom was referred the bill (S. 216) to provide for the payment of the volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. DAVIS, from the Committee on Claims, to whom was referred the bill (S. 4024) for the relief of John H. Hamiter, reported it without amendment.

Mr. BORAH, from the Committee on Claims, to whom was referred the bill (S. 2285) for the relief of Louisa G. Smithson, administratrix of the estate of Villo R. Smithson, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1931) to grant certain land, part of the Fort Niobrara Military Reservation, Nebr., to the Village of Valentine for a site for a reservoir or tank to hold water to supply the public of said village; and

A bill (S. 2876) to correct the military record of Talton T. Davis.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 522) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892," reported it without amendment and submitted a report thereon.

COURTS IN FLORIDA.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 14779) to transfer for the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district, to report it favorably without amendment.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill just reported.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4550) granting a pension to J. Nelson Neill, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4551) granting an increase of pension to Peter J. Coughlin; and

A bill (S. 4552) granting an increase of pension to Robert W. Jones.

Mr. TALIAFERRO introduced a bill (S. 4553) to provide for the erection of a public building for the use of the United States court, custom-house, and post-office in the city of Key West, Fla., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4554) to carry into effect the findings of the Court of Claims in the case of St. John's Church, of Jacksonville, Fla., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4555) for the relief of the estate of F. C. Blackmer, deceased, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 4556) for issuance of land patent to W. B. Allen, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4557) for the relief of the estate of John Linton, deceased;

A bill (S. 4558) for the relief of the heirs of Harriet F. and Robert McPeters;

A bill (S. 4559) for the relief of heirs of Sylvia Cannon;

A bill (S. 4560) for the relief of Methodist Episcopal Church of Corinth, Miss.;

A bill (S. 4561) for the relief of the trustees of Cumberland Presbyterian Church, of Corinth, Miss.;

A bill (S. 4562) for the relief of the trustees of the Baptist Church of Corinth, Miss.;

A bill (S. 4563) for the relief of the heirs of George W. Gardner, deceased; and

A bill (S. 4564) for the relief of Don Manuel Pardo, of Nueva Caceres, P. I.

Mr. TELLER introduced a bill (S. 4565) granting to the State of Colorado for the Colorado State University certain lands in lieu of lands inclosed in forest reservations, which was read twice by its title and referred to the Committee on Public Lands.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 4566) to construct and place a light-ship off Point Judith, Rhode Island; and

A bill (S. 4567) to provide for the construction and equipment of a revenue cutter for service in Narragansett Bay and adjacent waters.

He also introduced a bill (S. 4568) to establish a fish-cultural station in the State of Rhode Island, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4569) for the relief of George R. Frye; and

A bill (S. 4570) for the relief of Patrick J. Sullivan, Jeremiah McCarthy, and Bartholomew Shea, and for the relief of the heirs and legal representatives of John B. Dillon.

He also introduced a bill (S. 4571) to remove the charge of desertion from the naval record of John McLaughlin, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4572) to grant an honorable discharge to Nathan P. Randall, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4573) granting a pension to Almie C. Smith;

A bill (S. 4574) granting an increase of pension to William Henry Dean;

A bill (S. 4575) granting an increase of pension to James F. McKenna;

A bill (S. 4576) granting a pension to Henry W. Whiteman;

A bill (S. 4577) granting an increase of pension to Rosanna Sweeney;

A bill (S. 4578) granting a pension to Louisa Thompson;

A bill (S. 4579) granting an increase of pension to William Leonard;

A bill (S. 4580) granting an increase of pension to Fannie A. Moore;

A bill (S. 4581) granting a pension to Penelope T. Cummings;

A bill (S. 4582) granting an increase of pension to John Holt;

A bill (S. 4583) granting an increase of pension to Annie C. Anthony;

A bill (S. 4584) granting an increase of pension to Caroline M. Packard;

A bill (S. 4585) granting an increase of pension to George H. Paddock;

A bill (S. 4586) granting an increase of pension to John L. Nason;

A bill (S. 4587) granting an increase of pension to Ephraim Thurber;

A bill (S. 4588) granting an increase of pension to Adelia A. Gardner; and

A bill (S. 4589) granting an increase of pension to Henry E. Wells.

Mr. CLAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4590) for the relief of the trustees of Asbury School, of Clayton County, Ga.;

A bill (S. 4591) for the relief of the estate of Samuel E. Bratton, deceased;

A bill (S. 4592) for the relief of the heirs of Lucy T. Phipps, deceased (with accompanying papers); and

A bill (S. 4593) for the relief of the trustees of Asbury Methodist Church South, of Clayton County, Ga.

Mr. OVERMAN introduced a bill (S. 4594) authorizing a public building at Lexington, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 4595) to provide for the temporary warranting and for the retirement of pay clerks in the Navy, which was read twice by its title and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4596) granting an increase of pension to Charles E. Pendleton, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4597) granting an increase of pension to Jacob Mays, which was read twice by its title and, with accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 4598) for the relief of Isaac d'Isay, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4599) granting a pension to Alsey E. Potts;

A bill (S. 4600) granting an increase of pension to Jacob Wright;

A bill (S. 4601) granting an increase of pension to Harrison P. Hunt; and

A bill (S. 4602) granting an increase of pension to John C. Woody.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4603) granting an increase of pension to Charles H. Palmer;

A bill (S. 4604) granting an increase of pension to Stephen D. Taber;

A bill (S. 4605) granting an increase of pension to John L. Smith;

A bill (S. 4606) granting an increase of pension to George T. Miller;

A bill (S. 4607) granting an increase of pension to Mary J. Collett;

A bill (S. 4608) granting an increase of pension to Charles F. Still;

A bill (S. 4609) granting an increase of pension to Shadrach M. Cordon;

A bill (S. 4610) granting an increase of pension to Bradford H. Hall; and

A bill (by request) (S. 4611) granting an increase of pension to Calvin T. Blessing.

Mr. CULBERSON (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4612) for the relief of the heirs and estate of A. Underwood, deceased;

A bill (S. 4613) for the relief of John P. Anderson; and

A bill (S. 4614) for the relief of Tennessee J. Spiller.

Mr. JOHNSTON introduced a bill (S. 4615) to donate certain lands in Baldwin County, Ala., for educational purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. BURNHAM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4616) granting a pension to Mariette Roach (with accompanying papers);

A bill (S. 4617) granting an increase of pension to George Britton (with accompanying papers);

A bill (S. 4618) granting an increase of pension to Philester S. Elliott;

A bill (S. 4619) granting an increase of pension to William H. Elliott (with accompanying papers);

A bill (S. 4620) granting an increase of pension to Herman Greager (with accompanying papers);

A bill (S. 4621) granting an increase of pension to Charles C. Jones (with accompanying papers);

A bill (S. 4622) granting an increase of pension to Sidney F. Sanborn (with accompanying papers); and

A bill (S. 4623) granting an increase of pension to John H. Steward.

Mr. CURTIS introduced the following bills, which were sev-

erally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4624) granting an increase of pension to Joseph Hanna;

A bill (S. 4625) granting a pension to Mary A. Wampler;

A bill (S. 4626) granting an increase of pension to William Smith;

A bill (S. 4627) granting an increase of pension to Armstead Fletcher; and

A bill (S. 4628) granting an increase of pension to Richard H. Bartlett.

Mr. RAYNER introduced a bill (S. 4629) granting a pension to William Bieber, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4630) for the relief of Richard T. Gott, administrator of Thomas N. Gott, deceased;

A bill (S. 4631) for the relief of the rector, wardens, and vestry, St. Paul's Protestant Episcopal Church, Sharpsburg-Antietam parish, Washington County, Md. (with an accompanying paper); and

A bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md.

Mr. HEMENWAY introduced a joint resolution (S. R. 43) directing the printing of 50,000 copies of Bulletin No. 333, issued by the United States Geological Survey, which was read twice by its title and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 44) construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for performance of manual labor, and providing for pensions to widows and minor children and dependent parents, and for other purposes," which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$2,475.80 to reimburse Columbia Hospital for Women and Lying-in Asylum for expenditures for indigent patients sent to the hospital by the Board of Charities, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. TALLAFERRO submitted an amendment providing for the placing of lights on the Hillsboro, Halifax, and Matanzas rivers, in Florida, their entrances or inlets, tributaries, and connecting canals, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$1,600,000 for the purchase of two steamships for the use of the Isthmian Canal Commission, to be employed in the transportation of supplies, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF NATIONAL BANKING LAW.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3023) to amend the national banking law, which was referred to the Committee on Finance and ordered to be printed.

SURVEY OF HACKENSACK RIVER, NEW JERSEY.

Mr. KEAN submitted the following concurrent resolution, which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey and examination to be made of the Hackensack River, New Jersey, with a view to improving the navigability thereof, and providing a channel of 16-foot depth from Newark Bay to Little Ferry, and of 12-foot depth from Little Ferry to the Anderson Street Bridge in the town of Hackensack.

PENSIONS FOR MEMBERS OF LIFE-SAVING SERVICE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, on motion of Mr. FRYE, referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

In my first annual message to the Fifty-ninth Congress I called attention to the desirability of legislation providing pensions for members of the Life-Saving Service when they become incapacitated for duty by reason of disability incurred in service. I said:

"I call your especial attention to the desirability of giving to the members of the Life-Saving Service pensions such as are given to firemen and policemen in all our great cities. The men in the Life-Saving Service continually and in the most matter-of-fact way do deeds such

as make Americans proud of their country. They have no political influence; and they live in such remote places that the really heroic services they continually render receive the scantiest recognition from the public. It is unjust for a great nation like this to permit these men to become totally disabled or to meet death in the performance of their hazardous duty and yet to give them no sort of reward. If one of them serves thirty years of his life in such a position he surely should be entitled to retire on half pay, as a fireman or policeman does, and if he becomes totally incapacitated through accident or sickness or loses his health in the discharge of his duty he or his family should receive a pension just as any soldier should. I call your attention with especial earnestness to this matter, because it appeals not only to our judgment but to our sympathy, for the people on whose behalf I ask it are comparatively few in number, render incalculable service of a particularly dangerous kind, and have no one to speak for them."

The need for some appropriate legislation for the relief of this body of men has not become less; it has, on the contrary, increased and will steadily continue to grow until relief is granted. The determination of what course will best secure the desired end involves two important considerations. One has to do with the efficiency of the Service itself, and the other—which I think should appeal to the Congress with equal force—directly concerns the welfare of the members of the life-saving crews when disability incurred in the line of duty has impaired their usefulness.

The exigencies of the Life-Saving Service require the employment of the hardest men it is possible to enlist in the station crews and at the same time forbid that considerations of humanity should influence their retention in the ranks when their bodily vigor has become impaired, however ill fitted they may be to secure a livelihood for themselves and their families.

During the last several years the members of the station crews have given up their places in large numbers to seek employment where the work is less exacting and hazardous, the compensation larger, and the prospect for the future brighter. The exodus of these men, in many instances after long service, has embarrassed the work of the life-saving establishment to a marked degree.

A few years ago, when the demand for labor was less than at present, the Service had the pick of the coast fishermen, a class who were especially expert in surfmanship. As the station crews have been depleted it has become necessary, under the changed industrial conditions, to take on men of less experience in the handling of boats and unused to the concerted action of the fishing gangs from which their predecessors were largely recruited. The once excellent teamwork of the life savers—so important where combined physical effort is required—has consequently deteriorated and the former standard can not be regained in the present circumstances. Of late it has been found practically impossible to secure material of any kind for recruiting the crews at many of the stations. For instance, the records show that at one station there is but a single regularly enlisted man, and at several but two. In one district only two out of eleven stations have full crews of regulars; in another but two out of seventeen, and in still another only six out of fourteen. In fact, nearly all the thirteen districts of the Service are seriously crippled in this respect, and the eligible lists from which the crews must be selected are wholly insufficient to fill the vacancies occurring. A list recently furnished by the Civil Service Commission shows for one district but six eligibles, and for another nine, in which there are, respectively, twenty-three and thirty vacancies to be filled.

The only thing the Service has been able to do in this situation is to pick up at random for temporary service men who are unemployed at a season of unprecedented demand for labor. The very fact that these men can be obtained by such inducements as the Service is at present able to hold out is sufficient proof of their unsuitability for a vocation requiring exceptional energy and courage.

That the Service has not yet been chargeable with serious loss of life in consequence of this state of affairs is due to fortunate chance, and also to the fact that the introduction of recent great improvements in life-saving appliances has afforded the means to accomplish rescues which formerly would have been impossible. But the indefinite continuance of good fortune can not be hoped for, and occasions may be expected to arise when even improved appliances will not redeem the deficiencies of the men who are charged with their operation.

No one will deny that the conditions set forth call loudly for correction. The remedy should be to establish such conditions as will attract and retain men of the highest qualifications and character, and also safeguard the future welfare of the veteran surfmen who have been and are still the bulwark of the Service.

The pay of a surfman (the technical designation applied to the rank and file) is now \$65 a month while actually employed. The longest period of employment, except at a few stations on the Pacific coast, is ten months in the year and the shortest five months. On the Great Lakes they serve from the opening to the close of navigation—approximately eight months. The average amount paid is, therefore, somewhere near \$600 a year, or \$50 a month. The chance for a surfman to become a keeper or captain of a station crew and receive \$900 per annum is about 1 in 7, and of being made a superintendent of a life-saving district about 1 in 162. Their pay is the only remuneration they receive. They have to find their rations, supply their uniforms, and even furnish the heavy oilskins which they are obliged to wear on patrol and at wrecks. Moreover, they are required to reside constantly at the stations during the period of the active season. This requirement, while necessary to the efficient conduct of life-saving operations, nevertheless works great hardship upon such of the men as have families, as they are in that case required to contribute to the support of two housekeeping establishments, namely, the station mess and that in their own homes, which latter they visit only at irregular and uncertain intervals.

Recently the Secretary of the Treasury took occasion to inquire into the circumstances of a number of individuals who within the last five years became separated from the Service on account of disability incurred in the line of duty. Information was secured in forty-one cases. There are of record numerous similar cases concerning which no data of the character set forth are at hand, but those cited are representative of their class and will serve for illustration.

It appears that of the forty-one instances twenty-six men were totally incapacitated for labor of any kind, six could perform about one-fourth of a man's work, and nine about one-half. Forty had dependent families, the number of dependents ranging from one to eight per family, with an average of three or four. The average amount of property owned was less than \$400 for each man. Twenty-three were entirely destitute. One of the number owned property to the estimated value of \$7,500, which was not acquired, however, in the Service. If the last-named amount, which represents an exceptional instance, be deducted from the total value of the property held by all, the average for

each of the forty persons remaining is a little less than \$200. The twenty-three destitute surfmen and their families are of course objects of charity.

It should be borne in mind that the data above given are incomplete and confined to a period of but five years, and that there are many other former employees of the Service still living who at the present time are undoubtedly in absolute penury. Our treatment of these men is gravely discreditable to us as a nation.

The situation calls for immediate action, and I earnestly urge some adequate form of relief for a body of men who have saved thousands of lives, often under circumstances of extreme peril, and millions of dollars' worth of property at a comparatively insignificant cost; whose valor has never been surpassed upon the field of battle; whose achievements have won world-wide recognition, and who are deserving of the nation's gratitude and protection.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1908.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 558. An act to extend to the port of Chattanooga, Tenn., the privileges of immediate transportation of dutiable merchandise without appraisement; and

H. R. 14040. An act to authorize the county of Ashley, State of Arkansas, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties.

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was read twice by its title and referred to the Committee on the Judiciary.

MEDICAL DEPARTMENT OF THE ARMY.

The VICE-PRESIDENT. Morning business is closed, and the Calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the Calendar.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, was announced as first in order, and the Secretary proceeded to read the bill.

Mr. BEVERIDGE. In view of the fact that the Senator from Wyoming [Mr. WARREN] is not here, I suggest that the bill go over.

Mr. LODGE. I ask the Senator from Indiana if he himself objects to the bill?

Mr. BEVERIDGE. I do not.

Mr. LODGE. The Senator from Wyoming, I know, is very anxious to have the bill passed.

Mr. BEVERIDGE. I suppose, as a matter of course, as he is in charge of the bill, that he will be present when it is considered.

Mr. LODGE. He is in charge of the bill, but he told me that if he was not here when it was reached he hoped the consideration might go on.

Mr. BEVERIDGE. Very well, if there is some one here to take charge of the bill. I did not see the Senator from Wyoming present, and I did not see any use in taking the time of the Senate if the Senator from Wyoming was not going to be here and the bill could not be considered; that is all.

The Secretary resumed and concluded the reading of the bill, which was considered as in Committee of the Whole.

Mr. WARREN entered the Chamber.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TEA FOR MEDICINAL PURPOSES.

The bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, was read.

Mr. LODGE. When this bill was up before I asked to have it go over in order that I might get information in regard to it. I have communicated with the Department of Agriculture and asked for information in regard to the operation or the probable operation of the bill. I have heard nothing as yet from the officers of the Department charged with the administration of the pure-food act, who promised to inform me in regard to it. I should be glad if the bill could go over until I can get that information.

I have no objection whatever to the bill if it can be enforced and if it does not lead to the manufacture of deleterious substances for medicine. It seems to me there would be great difficulty in discovering where the tea siftings and tea waste would go. I should be glad if the Senator from Missouri would let the bill go over until I can get the reply.

Mr. STONE. I ask the Senator from Massachusetts if he has taken occasion to examine the matter I placed in the Record on Wednesday last?

Mr. LODGE. Yes. The Senator was kind enough to send it to me and I examined it. It seems to make a very clear case in regard to the bill, but—

Mr. STONE. I know the Senator's feelings in regard to the

bill, and I have no objection to its going over in order to give him sufficient time to get the information desired, but I should like to suggest—

Mr. LODGE. I assure the Senator I shall make no factious opposition to the bill. I have no interest in it in the world except as to the pure-food act.

Mr. STONE. I should like to say to the Senator, in answer to his suggestion that he would like to know what drugs might be made of these importations, I think it would go almost without saying that any drug made from tea siftings would be made of wholesome tea brought in for the purposes of food, and if tea siftings could be used for any wrong purpose in the manufacture of drugs so could wholesome tea, the only difference being that the tea siftings serve the purpose of making the drugs mentioned in the bill just as well as the pure tea, and can be had for much less cost.

Mr. LODGE. I understand, of course, the main purpose of the bill, but it seems to me there must be great difficulty in determining what becomes of these articles after being imported, no matter how the importation is conditioned.

Mr. STONE. As the bill will go over, it is hardly worth while to enter upon that discussion now.

Mr. LODGE. No.

Mr. STONE. The bill will go over for the present.

Mr. LODGE. I assure the Senator that as soon as I get the information I have asked for I shall let him know, and I will make no further opposition to the measure.

Mr. STONE. That is satisfactory. Let the bill be passed over without prejudice.

Mr. LODGE. Without prejudice.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will be passed over, retaining its place on the Calendar.

WILLIAM R. LITTLE.

Mr. BURKETT. I wish to enter a motion to reconsider the vote by which the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was passed. It was passed yesterday while I had temporarily stepped out of the Chamber.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. BURKETT subsequently said: I understand that Senate bill 819 has been sent to the other House. I therefore move that the House be requested to return the bill to the Senate.

The motion was was agreed to.

BILLS PASSED OVER.

The bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, was announced as next in order.

Mr. KEAN. The Senator from Idaho [Mr. HEYBURN] desires to be present when the bill is considered, and I ask that it be passed over.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

The bill (S. 1643) for the relief of Englehart & Cease was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 114) for the relief of Rathbun, Beachy & Co. was announced as next in order.

Mr. BURKETT. I ask that the bill may go over under Rule IX.

The VICE-PRESIDENT. The bill will go over under Rule IX, at the request of the Senator from Nebraska.

The bill (S. 2268) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same, was announced as next in order.

Mr. CLAPP. That bill can go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Minnesota.

Mr. CURTIS. I suggest that it go to the Calendar under Rule IX.

Mr. CLAPP. That course is perfectly agreeable to me.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX, at the request of the Senator from Kansas.

The bill (S. 2277) for the relief of Mary C. Mayers was announced as next in order.

Mr. GALLINGER. I want to look up some precedents in

the line of the bill, and I ask that it may go over without prejudice.

The VICE-PRESIDENT. It is so ordered.

POPE & TALBOT.

The bill (S. 1256) for the relief of Pope & Talbot, of San Francisco, Cal., was considered as in Committee of the Whole. It proposes to pay to Pope & Talbot, of San Francisco, Cal., \$3,179.20 in full for damages to their schooner *Spokane*, injured by the United States revenue cutter *Bear* off the port of San Francisco, Cal., on the 4th day of June, 1904.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OVERTIME CLAIMS OF LETTER CARRIERS.

The bill (S. 2802) to provide for the payment of overtime claims of letter carriers, excluded from judgment as barred by limitation, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the several parties named in Senate Document No. 216, Fifty-sixth Congress, first session, and Senate Document No. 158, Fifty-sixth Congress, second session, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the amounts set opposite each of their names, respectively, aggregating \$282,943.88, representing services actually performed by them as letter carriers in excess of eight hours per day, and reported by the commissioners of the Court of Claims as being the amounts due them under the provisions of the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," but which have been excluded or excepted from judgment for the sole reason that the same were barred by the statute of limitations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARY LINE BETWEEN IDAHO AND WASHINGTON.

The bill (S. 135) for the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Idaho and the State of Washington was considered as in Committee of the Whole. It proposes to appropriate \$25,000 for the ascertainment, survey, marking, and permanent establishment of that portion of the boundary line between the State of Idaho and the State of Washington from a point in the center of the Snake River opposite the mouth of the Clearwater River, thence due north to the international boundary line between the United States and the British possessions, an estimated distance of 185 miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF LAND BY INDIAN ALLOTTEES.

The bill (S. 1773) to amend section 3 of an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" was read.

Mr. KEAN. Let the report be read.

Mr. SUTHERLAND. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Utah.

CHOCTAWHATCHEE RIVER BRIDGE AT JONES OLD FERRY, ALABAMA.

The bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAVES OF ABSENCE TO HOMESTEADERS.

The bill (S. 134) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, was announced as next in order.

Mr. KEAN. As I do not see the Senator from Idaho [Mr. HEYBURN], who reported that bill, in the Chamber I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. HEYBURN subsequently said: Mr. President, during my temporary absence from the Chamber Senate bill 134 was passed over. I ask unanimous consent to recur to that bill and that it may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 3, after the word "heretofore," to strike out "or shall hereafter make" and insert "made;" in line 7, after the word "showing," to insert "that they have made substantial improvements, and;" in line 11, after the word "canals," to strike out "on" and insert "from which;" and in the same line, after the word "land," to insert the word "is," so as to make the bill read:

Be it enacted, etc., That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided,* That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, N. C.

The bill (S. 3835) increasing the limit of cost for a public building at Salisbury, N. C., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 5, after the word "post-office," to insert "United States court," so as to make the bill read:

Be it enacted, etc., That the amount heretofore fixed as a limit of cost for the purchase of a site and the erection of a public building for the accommodation of the United States post-office, United States court, and other Government offices in the city of Salisbury, in the State of North Carolina, be, and the same is hereby, increased from \$75,000 to \$125,000, which sum is hereby fixed as a limit of cost for the erection of said building, including the cost of site therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF ARMY OFFICERS.

The joint resolution (S. R. 33) adjusting the status of certain officers of the Army as to their period of service required by the act of Congress approved June 30, 1882, to entitle an Army officer to retirement on his own application, was considered as in Committee of the Whole. It provides that the period of service entitling an Army officer to retirement on his own application, as required by act of Congress approved June 30, 1882, shall include all service rendered by such officers as cadets at the United States Naval Academy, Annapolis, Md., or subsequent to graduation therefrom, or to service as commissioned officers of the Navy, or to both.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY OFFICERS RETIRED WITH INCREASED RANK.

The bill (S. 653) to authorize commissions to issue in the cases of officers of the Army retired with increased rank was considered as in Committee of the Whole. It provides that officers of the Army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DAHUFF.

The bill (S. 428) granting an honorable discharge to Amos Dahuff, was considered as in Committee of the Whole. It proposes to grant an honorable discharge to Amos Dahuff as captain of Company H, Twelfth Indiana Cavalry Volunteers, on February 19, 1865, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVENUE CUTTER AT KEY WEST, FLA.

The bill (S. 3345) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in line 7, before the word "dollars," to strike out "175,000" and insert "250,000," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class for service in the waters of Key West, Fla., at a cost not to exceed the sum of \$250,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS RIVER DAM.

The bill (S. 3438) to authorize the construction and maintenance of a dam or dams across the Kansas River within Shawnee County, in the State of Kansas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, line 7, after the word "at," to strike out "any" and insert "a;" and in line 8, after the word "Kansas," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of dams across navigable water,' approved June 21, 1906," so as to make the section read:

That the assent of Congress is hereby given to the Kansas Power Company, a corporation created and organized under the laws of Kansas, its successors and assigns, to erect, construct, and maintain a dam or dams across the Kansas River at a suitable place or places within Shawnee County, in the State of Kansas, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WHITE RIVER, ARKANSAS, BRIDGE.

The bill (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

The bill (S. 517) authorizing the purchase of lands for California Indians was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

HOOPA VALLEY INDIAN RESERVATION, CAL.

The bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation, in California, was considered as in Committee of the Whole.

Mr. KEAN. Let the report on that bill be read, Mr. President.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from New Jersey.

The Secretary read the report submitted by Mr. SUTHERLAND January 23, 1908, as follows:

The subcommittee of the Committee on Indian Affairs, to whom was referred the bill (S. 518) to make an appropriation for the construction of a wagon road on the Hoopa Valley Indian Reservation in California, report the said bill favorably, and as showing the necessity for this appropriation submit copy of a letter from the Commissioner of Indian Affairs, as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1907.

MY DEAR SENATOR: In response to your oral request, I send you herewith draft of a bill to appropriate the sum of \$10,000, or so much thereof as may be necessary, for the purpose of constructing a wagon road on the Hoopa Valley Indian Reservation in California.

It is the policy of this Department to withdraw its control and guardianship of individual Indians and Indian tribes as soon as it becomes apparent that they are possessed of the means and ability to take care of themselves.

The Indians of the Hoopa Valley Reservation in California have shown a disposition to work and earn their own livelihood, and I believe that the time is at hand when they can be given fee-simple title to their individual allotments, suitable disposal made of their surplus lands, and the support of the Government withdrawn.

When this is done the Indians will need every possible advantage that can be given them in order to maintain themselves among the surrounding white population.

Facility of transportation is of the greatest importance in a mountainous country and determines largely the prosperity of its inhabitants. The valley which comprises most of the agricultural lands of these Indians is now reached only by a wagon road 44 miles long from Korbel, the nearest shipping point, and by a mail trail which joins the wagon road at Redwood Creek, the combined distance by road and trail being 32 miles.

Owing to the circuitous route of the wagon road, steep grades, abrupt turns, and northern exposures, freight rates are high and the uncertainties of winter travel compel the trader in the valley to maintain an expensive pack train for transporting supplies, thus making it possible for one person to control practically all the trade of the valley.

Under existing conditions fruit raising, the purpose to which the valley is best adapted, can not be carried on with profit and other products are denied a place on the market.

With a good wagon road built on lighter grades and with southern exposures, so that it can be kept open all the year, freight rates and attendant risk and uncertainty would be reduced to a minimum, the present unsatisfactory trade conditions would soon regulate themselves through natural competition, and the Indians be enabled to market their surplus products.

They are fully alive to the benefits which a better road will bring them and have volunteered to contribute 600 or more days' labor, in the aggregate, without pay.

It will be necessary to furnish them with blasting and other materials, tools, subsistence for themselves and horses, etc.

It is also likely that more labor will be required than they can contribute under their offer.

Superintendent Kyselka has submitted an estimate of the cost of these items, amounting to \$7,800. This, however, does not include the cost of transportation or of a resurvey of the line, which may be required.

The length of the road which it is proposed to construct within the reservation is 9.12 miles. If this is done, it is anticipated that the county authorities will finish it to Redwood Creek.

I believe that the 9.12 miles can be constructed at a maximum cost of \$10,000. I shall be pleased to have this legislation enacted.

Very respectfully,

F. E. LEUPP, *Commissioner.*

HON. FRANK P. FLINT,
United States Senate.

P. S.—I may add that from the local newspapers and from personal letters I have received I learn that the authorities of Humboldt County are heartily alive to the wisdom of this project, and are ready to build a public road from the reservation line to Redwood Creek, thus making the connection of the valley with the market for its products complete.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION TO INVESTIGATE MINING OPERATIONS.

The joint resolution (S. R. 18) appointing a commission to investigate the recent mining disasters in certain States of the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Mines and Mining with amendments.

Mr. KEAN. Mr. President, I have understood that the Government of the United States is making an investigation of the causes of explosions in mines, and so on, and I think we ought to await some report from whatever body is making these investigations instead of embarking upon this large expenditure.

Mr. HEYBURN. I hope the Senator will withhold any objection until the amendments to the joint resolution can be stated, so that the record will be complete.

Mr. KEAN. Certainly.

Mr. HEYBURN. I should like to have the amendments stated.

The VICE-PRESIDENT. The amendments will be stated.

The amendments were, on page 1, line 3, after the words "consisting of," to strike out "three" and insert "six;" in line 5, before the word "Members," to strike out "three" and insert "six;" in line 8, after the words "into the," to insert "methods of operation and into the;" in line 9, after the word "recent," to strike out "explosions" and insert "accidents;" in the same line, after the word "coal," to insert "and other;" and in line 12, after the words "authorized to," to insert "appoint subcommittees with full power to," so as to make the joint resolution read:

Resolved, etc., That a commission is hereby created, consisting of six Senators, to be appointed by the President of the Senate, and six Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. Said commission shall make full inquiry, examination, and investigation into the methods of operation and into the recent accidents in coal and other mines in the States of West Virginia, Pennsylvania, Alabama, and other States. For the purpose of said inquiry, examination, and investigation said commission is authorized to appoint subcommittees with full power to send for persons and papers, make all necessary travel, and through the chairman of the commission or any member thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiring, examination, and investigation are hereby appropriated and authorized to be paid, out of moneys in the Treasury of the United States not otherwise appropriated, on vouchers approved by the chairman of said commission.

The amendments were agreed to.

Mr. KEAN. I think there ought to be some limitation on the expenditure. The appropriation is entirely unlimited.

Mr. GALLINGER. If the Senator from New Jersey will permit me, I desire to offer some amendments.

Mr. KEAN. Certainly.

Mr. GALLINGER. In lines 7 and 8, on page 1, the commission is directed to make "full inquiry, examination, and investigation." I think the word "investigation" covers "inquiry" and "examination," and I move to strike out the words "inquiry, examination and."

The amendment was agreed to.

Mr. GALLINGER. In line 11 I move the same amendment.

The SECRETARY. In line 11, page 1, it is proposed to strike out "inquiry, examination, and," so as to read:

For the purpose of said investigation.

The amendment was agreed to.

Mr. GALLINGER. In line 8, on page 2, I move to strike out "inquiring, examination, and."

The amendment was agreed to.

Mr. GALLINGER. That is all.

Mr. KEAN. I wish to offer an amendment. On page 2, line 11, after the word "appropriated" I move to insert "not to exceed \$10,000."

Mr. SCOTT. Mr. President, I have no objection to a limitation being placed upon the amount, but I think the Senator from New Jersey ought to leave to the commission some discretion. If the commission is going to employ experts in the way of mining engineers and to use employees of the Geological Survey, it may have to send them to different mines to make investigation, and the expense may be greater than \$10,000. Of course the commission will not expend any more than is necessary, whether the appropriation is limited or not.

Mr. KEAN. I have no desire whatever to hamper the investigation, but I think it is very unusual for Congress to pass a law without a limitation on the appropriation for a commission.

Mr. SCOTT. I suggest to the Senator from New Jersey that he make it \$15,000.

Mr. KEAN. I am willing to increase the amount to \$15,000, at the suggestion of the Senator from West Virginia. The purpose is merely to have a limitation. If this sum is not sufficient, I have no doubt that Congress will be glad to give more money. But I think a limitation ought to be put on. I modify my amendment to that extent.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey as modified will be stated.

The SECRETARY. On page 2, line 11, after the word "appropriated" it is proposed to insert "not to exceed \$15,000."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The committee reported an amendment to the title so as to make it read "joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States."

Mr. GALLINGER. I wish to move an amendment to the amendment. As proposed to be amended the title reads: "Joint resolution appointing a commission to investigate methods of operation and recent mining disasters in certain States of the United States;" that is, to investigate methods of operation in certain States of the United States. I move to amend it by adding after the word "operation" the words "of coal and other mines."

The amendment to the amendment was agreed to.

The title as amended was agreed to.

INDIANS ON FORT BELKNAP RESERVATION, MONT.

The bill (S. 3084) providing for the purchase of machinery, tools, implements, and animals for the Indians on Fort Belknap Indian Reservation, in the State of Montana, to enable said Indians to engage in the raising of sugar beets and other crops was announced as the next business in order on the Calendar.

Mr. GALLINGER. Let the bill go over for the present, Mr. President.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

Mr. CARTER. What was the order with reference to the bill, the title of which has just been read?

The VICE-PRESIDENT. The Senator from New Hampshire asked that the bill go over.

Mr. GALLINGER. I do that, Mr. President, for the purpose of looking into this matter a little. A moment ago I asked that a somewhat similar bill should go over.

I should like to ask the Senator from Montana, however, whether, in his judgment, it ought to be the policy of the Gov-

ernment to appropriate money and grant lands to all the destitute Indians of the country? There are a great many destitute white men in the country who, I think, are equally as deserving and who, if public money is to be appropriated, ought at least to share in the appropriation. Perhaps the Senator from Montana can explain why we should make these appropriations for destitute Indians.

Mr. CARTER. Mr. President, I am glad to make the explanation suggested by the Senator from New Hampshire.

The Senator will recall that not many years ago we were required by the necessities of the case to appropriate for the maintenance of nearly every Indian tribe on the continent. The policy of late years, both in Congress and in the Executive Departments, has been to place these various tribes as rapidly as possible upon a self-sustaining basis. Contracts have been made by the Department for and on behalf of these particular Indians, looking to the erection of a beet-sugar factory near by these lands. During the last Congress we authorized the lease of 20,000 acres of land for the purpose of enabling parties to proceed to the cultivation of sugar beets in this vicinity. The Department concluded that it would be better for the Indians themselves to hold the lands. But in order to prepare for the cultivation of beets, the Indians must be provided with some agricultural implements. The Indians have no credit on their own account. They have no place to go to borrow money except the Public Treasury. This bill does not make a grant of money to the Indians, but merely an advance, and it provides for the repayment of the sums under rules and regulations to be prescribed by the Department.

This bill will undoubtedly result in making these Indians self-sustaining by giving them a loan for the time. I think the bill is very meritorious; it has been approved by the Department; and failure to pass it will result in setting the Indians back.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I will ask the Senator if he is rash enough to believe that this money will ever be repaid to the Treasury of the United States?

Mr. CARTER. On this identical reservation the present management secures repayments for the wagons which have been disposed of to the Indians from time to time by the Department. The Indians on the reservation are disposed to pay their debts and have been in the habit of doing so. A departure was made on this reservation, I understand, in that the present policy is to charge to the Indians any implements that may be issued to them, and in due time the Indians pay their bills. I have no doubt whatever they will repay this sum of money.

Mr. SMOOT. Mr. President, I think the statement made by the Senator from Montana is absolutely correct. In our State a sugar factory is now located in a section where Indians live, and we find in our State that the Indian is about as good a farmer for the raising of the sugar beet as any individual we have in the State. He has made a success of it. He is self-supporting, and it has been the means of bringing wealth even to a great many of them living in that section of our State.

I believe that these Indians in Montana, if they have a chance to raise beets for the factory that is to be established, will make a success of it and be able to repay all advances made for machinery, and as it is under the direction of the Indian Bureau, I have no doubt in the world that the money will be returned to the Government.

Mr. GALLINGER. Mr. President, having very great doubt on that point, I ask that the bill go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice.

ADOLPHUS N. PACETTY.

The bill (S. 1758) granting a pension to Adolphus N. Pacetty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adolphus N. Pacetty, late captain Pacetty's boat company, Florida Volunteers, Seminole Indian war, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVAH MOULTON.

The bill (S. 57) granting a pension to Alva Moulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alva Moulton, invalid and dependent child of Elias Moulton, late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELMER HONNYMAN.

The bill (S. 1746) granting a pension to Elmer Honnyman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elmer Honnyman, late of Company A, First Regiment Nevada Volunteer Cavalry, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE E. SWEET.

The bill (S. 1634) granting an increase of pension to Caroline E. Sweet was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Spain," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Sweet, dependent mother of Maurice R. Sweet, late of Company G, Thirty-second Regiment Michigan Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE C. STINGLEY.

The bill (S. 1757) granting an increase of pension to Jane C. Stingley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane C. Stingley, widow of James D. Stingley, late of Capt. John Mathis's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH SWEAT.

The bill (S. 1408) granting an increase of pension to Elizabeth Sweat was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "company," to insert "independent;" in line 8, before the word "and," to insert "Seminole Indian war;" and in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Sweat, widow of James A. Sweat, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA STEWART.

The bill (S. 1403) granting an increase of pension to Martha Stewart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to strike out "of" and insert "East;" in line 8, before the word "and," to insert "Seminole Indian war," and in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of

Martha Stewart, widow of Daniel Stewart, late of Captain Niblack's company, Second Regiment East Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY MOTES.

The bill (S. 1423) granting an increase of pension to Nancy Motes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Motes, widow of Lewis Motes, late of Captain Thigpin's company, Second Regiment Florida Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILY AYRES.

The bill (S. 638) granting an increase of pension to Emily Ayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "dependent," to strike out the name "Ayers" and insert "Ayres," and in line 7, before the word "late," to strike out the name "Ayers" and insert "Ayres;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Ayres, dependent and helpless daughter of Whiting L. Ayres, late of Company E, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emily Ayres."

JOHN S. HYATT.

The bill (S. 523) granting an increase of pension to J. S. Hyatt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Hyatt, late of Captain Hancock's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Hyatt."

JOHN LOWDER.

The bill (S. 524) granting an increase of pension to John Lowder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to insert "Utah Volunteers," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lowder, late of Capt. James A. Hunter's company, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DOROTHEA AND PAUL DANA CLENDENIN.

The bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, was considered

as in Committee of the Whole. It proposes that homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon major, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Let the title be amended by striking out the word "deceased." These are "minor orphan children;" doubtless the father is dead.

The amendment to the title was agreed to.

Mr. KEAN. I ask that the report in connection with the bill be published in the RECORD.

The VICE-PRESIDENT. The report will be printed in the RECORD, in the absence of objection.

The report, submitted by Mr. NELSON on the 23d instant, is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 392) to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers, having had the same under consideration, beg leave to report it back with the recommendation that the same do pass.

The measure was referred to the Secretary of the Interior, and his report thereon, which is printed herewith, shows that there is no objection to the legislation.

Your committee, therefore, unanimously recommend the enactment of the bill into law.

The letter of the Secretary is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 14, 1908.

GENTLEMEN: I have the honor to acknowledge the receipt, from the clerk of your committee, of Senate bill 392, with the request that the Department submit its views thereon. The bill is entitled "A bill to confirm homestead entry made by guardian for the benefit of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, deceased, late surgeon major, United States Volunteers," and provides:

"That homestead entry No. 24024, made July 15, 1903, at Minot, now Williston, N. Dak., land district by Clement A. Lounsberry, guardian of the person and estate of Dorothea Clendenin, under section 2307 of the Revised Statutes of the United States, for the northwest quarter of the northeast quarter, northeast quarter of the northwest quarter section 14, and southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter section 11, township 152 north, range 104 west, fifth principal meridian, containing 160 acres, be, and is hereby, confirmed; and upon satisfactory proof of compliance with the requirements of the homestead laws as to cultivation and improvements, the Commissioner of the General Land Office is hereby directed to issue patent for the said described land in favor of Dorothea Clendenin and Paul Dana Clendenin, minor orphan children of Paul Clendenin, late surgeon-major, United States Volunteers."

The homestead entry No. 24024, Minot series, was made on July 15, 1903, by Clement A. Lounsberry, then and now an employee of the General Land Office, as guardian of Dorothea Clendenin, for the NW. 1/4 NE. 1/4, NE. 1/4 NW. 1/4 sec. 14; SE. 1/4 SW. 1/4, SW. 1/4 SE. 1/4 sec. 11, T. 152 N., R. 104 W., fifth principal meridian.

It appears that Dorothea Clendenin was a minor child of Maj. Paul Clendenin, a surgeon of the United States Army, and was born November 19, 1889; that her mother died in 1894, and the father remarried, and by such marriage Paul Dana Clendenin was born August 19, 1899; that Maj. Paul Clendenin died in Cuba July 4, 1899, and that his widow married Capt. Basil Taylor, an officer of the British Army, at Hongkong, China, June 17, 1903; that the child Paul Dana Clendenin is now residing with his mother in China under her guardianship as a British subject; that said Lounsberry was appointed guardian of Dorothea Clendenin on January 2, 1900, and in July, 1900, made settlement on the land described for the benefit of said Dorothea Clendenin, and annually since then the land has been cultivated and improved, and that actual residence was established in a house built on the land in the early part of July, 1904.

Section 452, United States Revised Statutes, prohibits persons employed in the Land Department from directly or indirectly purchasing or becoming interested in the purchase of public lands, but if the bill is enacted into law it will remove any question that might be raised respecting the right of Mr. Lounsberry to make the entry.

As Maj. Paul Clendenin was engaged in the war with Spain from the commencement thereof until his death, July 4, 1899, credit for military service may be given for the term of enlistment, not to exceed four years, but residence and cultivation for at least one year is required by section 2307, Revised Statutes. The marriage of the widow of Maj. Paul Clendenin to a British subject, and her removal to a foreign country, taking with her the minor child of Maj. Paul Clendenin, deceased, who was born a citizen of the United States, does not deprive such minor child of his citizenship, nor remove him from the protection of this country. Therefore, the entry should have been made in the interest of both minor children of Maj. Paul Clendenin, and when final proof is submitted in connection with said entry the final receipt and

certificate, if issued, should issue to both of said children. Attention is called to the fact that this bill directs the issuance of patent upon satisfactory proof of "cultivation and improvements," but does not provide that residence shall be shown as required by the homestead laws.

Prior to the time this entry was made, July 15, 1903, persons who made entry as widows or heirs of soldiers were only required by the rules of this Department to maintain cultivation and improvements and were not compelled to reside upon the lands covered by their entry, but subsequent to that date this rule was modified, and under the departmental decision in the case of Anna Bowes (32 Land Decisions, 331), rendered on December 7, 1903, all persons then holding entries of this character were notified that actual residence must be established within six months from the issuance of the notice and thereafter maintained as required in the case of other homestead entrymen, and since that decision no patents have been issued in cases where the required residence was not shown by the final proof.

Aside from these suggestions, this Department knows of no reason why this bill should not become a law.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

The COMMITTEE ON PUBLIC LANDS,
United States Senate.

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

POSTAGE ON CREDIT NEWSPAPER SUBSCRIPTIONS.

Mr. STONE. I ask the leave of the Senate to have printed as a document the papers I hold in my hand. The first is a letter from the Third Assistant Postmaster-General. It relates to recent rulings of the Department as to postage to be paid on newspaper subscriptions that have expired, or credit subscriptions. He has sent some data with the letter.

I do not know how it is with other Senators, but I am receiving a great many letters from publishers in my State for information concerning this ruling. It is very concisely and well stated by the Department in these papers, but it requires a very long letter to make an explanation to correspondents in regard to it. Therefore I thought it would be well to ask the Senate to have it printed in pamphlet form so that it could be distributed. I ask that 1,000 copies of it may be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that a thousand copies of the letter from the Post-Office Department submitted by him, with the accompanying data, be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered.

TIMBER ON INDIAN RESERVATIONS IN WISCONSIN.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

The bill (S. 4046) to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin was announced as next in order, and was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments in section 2, on page 2, line 10, after the words "Secretary of the Interior," to insert "in so far as practicable;" and, in line 11, after the word "times," to strike out the words "employ Indians, and in so far as possible shall;" so as to read:

That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon such Indian reservations. The Secretary of the Interior, in so far as practicable, shall at all times employ none but Indians upon said reservations in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumber operations upon said reservations shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservations be disposed of except under the provisions of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. The report on this bill is exceedingly interesting as I have glanced at it. I ask that it be printed in the RECORD.

There being no objection, the report, submitted by Mr. LA FOLLETTE on the 23d instant, was ordered to be printed in the RECORD, as follows:

[Senate Report No. 110, Sixtieth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (S. 4046) to authorize the cutting of timber, the manufacture and

sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin, have had the same under consideration and report it with an amendment, and when so amended recommend that it do pass.

The avowed object of all legislation pertaining to Indian affairs for the past half century has been to prepare and qualify the Indian for citizenship and the management of his own business. Because of his incapacity to manage his own property the Government has treated the Indian as a ward and has maintained guardianship over him. In some instances it has followed the plan of permitting the Indian tribes to hold the land included in the Indian reservations in common; in others it has allotted the lands in severalty to the individual members of the tribe. In the latter case restrictions as to alienation have been imposed, these restrictions not to be removed until it is made to appear that the Indian is capable of handling his own affairs. It is unfortunately too often the fact that the Government's officers charged with the duty of determining the capability of the Indian have acted upon false or misleading information. The work of preparing the Indian for the responsibility of providing for himself according to the ways of the white man in most instances has only resulted in making him more incompetent. He has been an idle spectator while others have managed his affairs. The tendency has been to weaken, not to strengthen, him. The result is, in a majority of cases, that the responsibility of caring for himself is thrust upon him when he is in no way prepared to meet it. He loses his property and becomes a charge upon the community.

The aim of the proposed legislation is to give to Indians on reservations in Wisconsin practical instruction and experience in the management of their own business and thus to prepare them against the time when their lands shall be allotted, their restrictions entirely removed, and they be compelled to assume the complete management of their own affairs. While this proposed legislation in no manner departs from the avowed purpose of all Indian legislation, yet the method herein provided for the accomplishment of the purpose is a departure from that now employed.

There still remain upon the Indian reservations of Wisconsin some fine bodies of timber. In fact the only considerable stand of white pine still remaining are those upon the lands of the Indians. The timber upon the reservation of the Menominee Indians is the finest in the State. In addition to the pine, there are also large quantities of hard wood. The value of this timber is constantly increasing. The rapid disappearance of our forests increases the desire of the lumber and mill men to secure the timber from the lands of the Indians. In 1890 Congress authorized these Indians, under rules and regulations to be prescribed by the Secretary of the Interior, to cut and sell not to exceed 20,000,000 feet of this timber in any one year. This law provided that the timber should be logged under the contract system. Under it contracts were let to Indians and to white men. Because of the anxiety of the contractors to take out as much timber as was permitted under the law, white labor as well as Indian labor was employed in the logging operations. The Indian funds were used to finance these operations. The net proceeds of the sale of the timber were credited to the Indian funds. The Indian received some financial benefit, but the system does nothing to educate him in the practical work of manufacturing the timber into lumber nor in the preservation and perpetuation of the forest.

Under the contract system there has been a constant breaking down of the character of the Indian, a lowering of his standards. This system has brought upon the reservations white loggers. This has been done in opposition to the desires of the Indians. In many cases they have protested against the system, pointing out that it inevitably resulted in the introduction of intoxicating liquors upon the reservation, the demoralizing of the men, and the debauching of the women. A system which does these things should not be continued. It has not only resulted in his moral degradation, but the contract system also tends to prevent the development of the Indian as an industrial factor. The forests are cut away under conditions which make for a reckless destruction and do not in any way teach them to properly conserve their resources.

The proposed legislation will change the method of handling the Indians' affairs by abolishing the contract system, by placing the care of the forests and the harvest of the forests' crop ultimately in the hands of the Indians upon these reservations. The forest is the natural home of these men. They are what is known as "timber Indians." Their every instinct teaches them to seek a livelihood from within the forest. The care, the preservation, of these forests should be the Indian's interest and his work. What the white man has in other places destroyed the Indian should be taught here to preserve. This does not mean that the forest shall be permitted to remain in its wild state and contribute nothing to the industrial life of the community and add nothing of economic value to our country. It does mean that the harvest of the crop of forest products should be made in such a way that the forest will perpetuate itself; that it shall remain as a rich heritage to these people from which, through their own labor, they may derive their own support, and that, too, without ruthless destruction. Under the bill as proposed the Secretary of the Interior is authorized to employ all of the assistance needed to properly educate the Indians in the care of the forest and in the manufacture of forest products. It provides that the Indians are to do the logging; that they shall make roads, improve the streams, build sawmills, manufacture the timber into lumber, and that the lumber is to be sold upon the market. In a word, it provides that these Indians shall be made a factor in our industrial life. In this way they will become self-reliant, learn to know the value of their heritage, and master the best methods for its preservation.

The Fifty-ninth Congress enacted a law authorizing the Indians of the Menominee Reservation to log the dead and down timber upon that reservation. Under the rules and regulations adopted for the administration of that law contracts were let to individual Indians to log certain portions of this timber. The Indians sublet the contracts to white men, and white men and Indians are now at work clearing the dead and down timber. It was not the intent of the law passed at that time that the contract system should be continued, and it is unfortunate that contracts were awarded under the act. While it is to be regretted that the Indians called in any white men to aid them, it is also true that in the logging of this dead and down timber and in the logging operations conducted under the act of 1890 these Indians have demonstrated that they are capable of logging. If they are given the aid, counsel, and encouragement provided for in the proposed legislation, and if the proposed legislation at all times be executed with intelligence and fidelity, the result will be not only to develop the Indian upon his industrial and moral side, but also to increase the financial returns. It has been urged against the change from the contract system to one which will permit the Indians to handle

their own affairs that it will result in the loss of some valuable timber. Your committee do not consider this a valid objection. It may be true that there will be some loss, but what will be lost in this way at the outset will be offset in the benefits which will accrue to the character of the individual Indian and to the uplift of the tribe as a whole, both industrially and morally.

The proposed bill has been submitted to the Department of the Interior and meets with the approval of the Secretary. His letter follows:

DEPARTMENT OF THE INTERIOR,
SECRETARY'S OFFICE,
Washington, D. C., January 21, 1908.

MY DEAR MR. LA FOLLETTE: I have your letter of January 16, with the inclosed Senate bill No. 4046, the purpose of which is to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on certain lands reserved for Indian reservations in the State of Wisconsin.

I have but two minor verbal suggestions to make. On page 2, line 7, after the word "Interior," insert "in so far as practicable;" line 8, strike out the words "employ Indians and in so far as possible shall." As you will see, the purpose of these changes is to avoid the difficulty that might arise should it be impossible to obtain the full quota of Indian employees at any particular time or place.

I have conferred with Mr. Leupp, the Commissioner of Indian Affairs, very fully on this particular bill and the general subject of the use of timber lands belonging to the Indians. It is our purpose to have these logging and timber operations conducted either directly under the Forest Service or under such a system of cooperation as to give to the Indians the benefit of the experience which the Forest Service has gained from its administration of the national forests, and we believe that this bill will be a step in that direction.

As to the general purpose of the bill, I appreciate that it changes the system that has been in operation for a number of years on the Menominee Reservation, but, being advised by the Forest Service that under this bill a very much better method for the cutting and preservation of timber can be carried out, which will in the end yield a larger return to the Indians as well as continue the growth of the forests, I believe that the change should be made.

Very truly, yours,

JAMES RUDOLPH GARFIELD,
Secretary.

HON. ROBERT M. LA FOLLETTE,
United States Senate.

If this legislation be adopted it will certainly give to these Indians a business experience which should, if they are ever allotted, render them capable of protecting themselves against fraud and prevent, in Wisconsin, a repetition of the conditions now existing in Oklahoma which have forced many Indians to find homes upon the section lines while others seek safety in a foreign country.

The amendment proposed by the committee meets the suggestion of the Secretary of the Interior, and is as follows:

Amend by inserting in line 7, page 2, after the word "Interior," the words "in so far as practicable" and by striking out the words "employ Indians, and in so far as possible shall" where they occur in line 8, page 2.

AGNES LANGE SMITH.

The bill (S. 712) granting a pension to Agnes Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Lange Smith, widow of Lewis Smith, late major, Fourth Regiment United States Artillery, and lieutenant-colonel, Artillery Corps, United States Army, retired, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Agnes Lange Smith."

CALESTA CLARK.

The bill (S. 406) granting a pension to Celesta Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the name "Celesta" and insert "Celesta," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celesta Clark, widow of Joseph Clark, late of Company G, Twenty-fifth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Celesta Clark."

MARGARET K. HERN.

The bill (S. 2420) granting an increase of pension to Margaret K. Hern was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Hern," to strike out

the letter "A," and insert "W.," and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret K. Hern, widow of David W. Hern, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. SANDS.

The bill (S. 1171) granting a pension to Mary A. Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Sands, helpless and dependent child of Edward D. Sands, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA A. KENNY.

The bill (S. 920) granting an increase of pension to Martha A. Kenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Kenny, widow of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving:

Provided, That in the event of the death of Ellen Louise Kenny, helpless and dependent child of said Nicholas D. Kenny, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death or remarriage of Martha A. Kenny the name of said Ellen Louise Kenny shall be placed on the pension roll at \$12 per month from and after the date of the death or remarriage of said Martha A. Kenny.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO CERTAIN PERSONS.

The bill (S. 4376) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate per month stated, as follows:

Walter S. Sylvester, late of Company F, First Regiment Maine Volunteer Cavalry, \$24.

Alvin S. Doughty, late of Company H, Eighth Regiment Maine Volunteer Infantry, \$24.

Mary E. Linehan, widow of John C. Linehan, late musician, Third Regiment New Hampshire Volunteer Infantry, \$12.

Horace L. Ingalls, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, \$24.

Hattie S. Nourse, widow of Frederick A. Nourse, late captain Company A, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, \$20.

Daniel Wagner, late of Company E, Twenty-first Regiment Iowa Volunteer Infantry, \$24.

William Havens, late of Company K, Eighteenth Regiment New York Volunteer Infantry, and Company A, Fourteenth Regiment New York Volunteer Heavy Artillery, \$30.

Maria Wells, widow of Moses Wells, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, \$12.

Littleton T. Morgan, late of Company B, Third Regiment West Virginia Volunteer Infantry, \$30.

Royal M. Bones, late of Companies C and B, First Regiment Missouri Volunteer Engineers, \$24.

Josephine Pagett, widow of Charles W. Pagett, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and landsman, U. S. S. *Great Western*, United States Navy, \$12.

John C. Roth, late of Company H, Twenty-sixth Regiment Wisconsin Volunteer Infantry, \$30.

Mary A. Allen, widow of James Allen, late captain Company L, Fifth Regiment Michigan Volunteer Cavalry, \$20.

William Lockwood, late of Company H, One hundred and nineteenth Regiment New York Volunteer Infantry, \$24.

George L. Courtney, late of Company A, Fortieth Regiment Indiana Volunteer Infantry, \$24.

Ambros W. Geer, late of Company D, Forty-second Regiment Wisconsin Volunteer Infantry, \$24.

John M. Baker, late first lieutenant Company G, One hundred and fifteenth Regiment Illinois Volunteer Infantry, \$24.

Matilda Daly, widow of Edward Daly, late of Company E, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, \$12.

Sarah E. Hasler, widow of Samuel J. Hasler, late first lieutenant Company G, Twentieth Regiment Ohio Volunteer Infantry, \$17.

Theodore M. Burge, late of Company E, Sixth Regiment United States Cavalry, \$30.

Richard Black, late of First Independent Battery, Iowa Volunteer Light Artillery, \$30.

Augusta A. Hawes, widow of Eugene M. Hawes, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and Company D, Eleventh Regiment Massachusetts Volunteer Infantry, \$12.

Hiram M. Tarbell, late of Company E, Eighth Regiment New Hampshire Volunteer Infantry, \$30.

William L. S. Tabor, late of Company K, Fifteenth Regiment New Hampshire Volunteer Infantry, \$24.
 Sarah S. Luther, widow of William H. Luther, late of Company F, Tenth Regiment Rhode Island Volunteer Infantry, \$12.
 Frances E. Topliff, widow of Thomas D. Topliff, late acting master's mate, United States Navy, \$16.
 Sarah Cullen, widow of Phillip Cullen, late of Company F, Ninth Regiment Iowa Volunteer Cavalry, \$12.
 Patrick Devitt, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry, \$24.
 Helen Jeffcoat, widow of John Jeffcoat, late first lieutenant Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, \$17.
 James I. Walker, late of Company K, Twenty-second Regiment Ohio Volunteer Infantry, and Twenty-second Battery, Ohio Volunteer Light Artillery, \$30.
 Thomas H. Ewing, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, \$24.
 William P. Snowden, late of Company C, First Regiment Missouri Mounted Volunteers, war with Mexico, and veterinary surgeon Fifth Regiment Iowa Volunteer Cavalry, \$30.
 William H. Stannah, late of Company B, Ninety-fourth Regiment Ohio Volunteer Infantry, \$30.
 John M. G. Mayer, late sergeant-major, Twenty-eighth Regiment Michigan Volunteer Infantry, \$30.
 Samuel M. Smith, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, \$30.
 Nelson Miner, late of Company C, Ninth Regiment Vermont Volunteer Infantry, \$24.
 Francis F. Clark, late of Company A, Sixth Regiment Vermont Volunteer Infantry, \$30.
 Euretta Betts, widow of Willis W. Betts, late of Company D, Fourth New York Volunteer Heavy Artillery, \$8.
 William C. Platt, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, \$30.
 Mary H. Yule, widow of Thomas Yule, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, \$12.
 Sophia Froelich, widow of Louis Froelich, alias August Zimmermann, late of Company D, First Regiment Louisiana Volunteer Cavalry, \$8.
 Mary McCarty, widow of Owen McCarty, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, \$8.
 Daniel H. Dornisfe, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, \$24.
 Jeremiah Hazen, late of Company E, Thirty-eighth Regiment New York Volunteer Infantry, \$24.
 Charles M. Kell, late of Company C, First Regiment Mountaineers, California Volunteer Infantry, \$30.
 Martha A. Spalding, widow of David C. Spalding, late surgeon Tenth Regiment Michigan Volunteer Cavalry, \$20.
 Allison Varney, late of Company G, Forty-first Regiment Ohio Volunteer Infantry, \$30.
 Frederick C. Wilkie, late captain Company G, and major, Fifth Regiment New York Volunteer Heavy Artillery, \$30.
 Elijah Trollope, late of Company I, Twentieth Regiment, and Company G, Thirty-fifth Regiment, Wisconsin Volunteer Infantry, \$24.
 Elizabeth Plummer, widow of William Plummer, late of Company B, Eleventh Regiment Illinois Volunteer Infantry, \$16.
 James M. Grimes Keyton, late of Company M, Fourth Regiment Missouri Volunteer Cavalry, \$24.
 Imogene P. Hunsdon, widow of Charles Hunsdon, late colonel Eleventh Regiment Vermont Volunteer Infantry, \$20.
 Peter B. Hoffman, late of Company I, Eighth Regiment Maryland Volunteer Infantry, \$24.
 Ada G. Dickerson, widow of Perley B. Dickerson, late first lieutenant Company H, Thirteenth Regiment United States Colored Volunteer Infantry, \$17.
 James M. Procter, late of Company G, Third Regiment United States Infantry, \$30.
 Annie E. Creary, widow of William E. Creary, late of Company K, Nineteenth Regiment, and Independent Company, Veteran Reserve Corps, and major and paymaster, United States Army, \$20.
 Monroe A. White, late of Company D, Eleventh Regiment United States Infantry, \$30.
 Joseph Beal, late of Companies I and D, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, \$24.
 Fenimore P. Cochran, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, \$30.
 Marlon B. Mullen, widow of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, \$20.
 Criss Becker, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, \$24.
 Henry M. Lester, late of Company G, Seventh Regiment Massachusetts Volunteer Infantry, \$30.
 Henry Tyler, late of Company F, Twenty-sixth Regiment Connecticut Volunteer Infantry, \$30.
 Delu Norris, late of Company E, Twenty-third Regiment Iowa Volunteer Infantry, \$30.
 Franklin D. Allen, late of Company H, Eighth Regiment Iowa Volunteer Infantry, \$30.
 William H. H. Miller, late of Company F, Thirty-seventh Regiment Iowa Volunteer Infantry, \$24.
 Farnel B. Moor, late of Company B, Sixth Regiment Maine Volunteer Infantry, and Company E, First Regiment Maine Veteran Volunteer Infantry, \$24.
 Amanda M. P. Brock, widow of Alvan D. Brock, late captain Company L, Thirty-first Regiment Maine Volunteer Infantry, \$20.
 Naomi V. Culley, widow of Joseph Culley, late acting second assistant engineer, United States Navy, \$12.
 Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, \$30.
 Truman L. Walden, late of U. S. S. *Great Western* and *Kickapoo*, United States Navy, \$30.
 William Mulock, of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, \$30.
 Newell S. Swett, late of Second Company Massachusetts Sharpshooters, attached to Twenty-second Regiment Massachusetts Volunteer Infantry, \$24.

Mr. McCUMBER. I move to strike out lines 21, 22, 23, and 24, on page 9, in the following words:
 The name of Frederick C. Wilkie, late captain Company G, and major Fifth Regiment New York Volunteer Heavy Artillery, and pay

him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The beneficiary named in this provision has died.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT DEPOSITARIES.

The next business on the Calendar was the resolution submitted by Mr. STONE, on the 23d instant, authorizing and directing the Finance Committee to make inquiry and report as to the distribution of moneys of the United States by the Secretary of the Treasury.

Mr. GALLINGER. Let the resolution go over.

The VICE-PRESIDENT. The resolution will go over without prejudice.

ARMY DENTAL SURGEONS.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4432) to reorganize the corps of dental surgeons attached to the Medical Department of the Army.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. HEYBURN. Mr. President, it would appear that the report on this bill is not yet printed. This is rather an important measure. It creates a new department or branch of the—

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 2982.

REVISION OF THE PENAL LAWS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER ELEVEN.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES.

Sec.	Sec.
269. Places within or waters upon which sections of this chapter shall apply.	278. Payment of fine to female seduced; evidence required; limitation on indictment.
270. Murder.	279. Loss of life by misconduct of officers, etc., of vessels.
271. Manslaughter.	280. Maiming.
272. Punishment for murder; for manslaughter.	281. Robbery.
273. Assault with intent to commit murder, rape, robbery, etc.	282. Arson of dwelling house.
274. Attempt to commit murder or manslaughter.	283. Arson of other buildings, etc.
275. Rape.	284. Larceny.
276. Having carnal knowledge of female under 16.	285. Receiving, etc., stolen goods.
277. Seduction of female passenger on vessel.	286. Laws of States adopted for punishing wrongful acts, etc.

SEC. 269. [The crimes and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River St. Lawrence where the same constitutes the international boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.]

Mr. HEYBURN. I think this section ought not to be passed without some explanation. First, I will move to strike out the comma in line 11, after the word "State." It is evidently an inadvertence in printing the bill.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Idaho.

The SECRETARY. In line 11, page 142, after the words "particular State," strike out the comma.

The amendment was agreed to.

Mr. HEYBURN. While the first and last paragraphs of this section come within the rule of being new legislation, the whole section is not new legislation. Therefore, we will not pass it over under the general understanding.

The existing law in regard to this subject is somewhat confused and has given the courts a good bit of trouble. The second paragraph especially was framed to meet the conditions that have arisen in the navigation of the Great Lakes and the rivers connecting them, where vessels weave back and forth, first on one side of the line and then on the other, and the question of jurisdiction for the commission of offenses has been rendered uncertain because it was not always possible to determine on which side of the international line a vessel was at the particular time when the offense was committed.

The committee have taken into consideration all the decisions and all the litigation had in regard to this question, and as a result of its thorough consideration have presented this section.

The Secretary resumed the reading of the bill, as follows:

SEC. 270. [Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.]

Mr. HEYBURN. Pursuant to the notice I gave that sections of this kind would be specially called to the attention of the Senate, I would say that this section 270 enlarges the common-law definition and is similar in terms to the statutes defining murder in a large majority of the States. I think it might be said that it is in harmony with the law in all the States.

The reading of the bill was continued, as follows:

SEC. 271. Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

SEC. 272. Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years.

Mr. SUTHERLAND. I think it is proper that a word be said with reference to the two sections which have last been read, section 271 and section 272.

Section 271 undertakes to divide manslaughter into two degrees or kinds, namely, voluntary and involuntary manslaughter. Under the existing statute simply the crime of manslaughter as at common law is provided for. The division into degrees is in accordance with modern legislation, and in accordance with the legislation in, I think, practically all the States of the Union. Section 272 simply recognizes these various divisions of murder and manslaughter into degrees and provides appropriate punishment for each.

Mr. BACON. I notice that in the penalty the committee has proposed a change to the extent that they do away with fine as a punishment and limit it to imprisonment. If I read correctly the old law, section 1543, it made the convict not only subject to imprisonment, but also to fine. I do not know what particular reason the committee may have had in view in eliminating that feature from the law. It may be an advisable change; I am not prepared to take issue with the committee on the subject, but I should like to know upon what ground they thought it would be best to eliminate the fine. The Senator will notice that it is a conjunctive penalty, not an alternative one, in the law as it now stands.

Mr. SUTHERLAND. Yes. The idea of the committee, as I recall it, in eliminating the provision for a fine is that that offense falls within the class of offenses where, I think, practically in all the States no fine is provided for. For example, a fine is, I think, in no instance ever provided for murder in the second degree or manslaughter of any degree. So it is not in accordance with modern ideas to provide a fine for grand larceny or robbery or offenses of that character. It is simply in line with that general notion.

Mr. BACON. I simply desired to know what was the view of the committee. I quite agree that it is not in harmony with the law as it now stands, but it is in harmony with the legislation in our States.

Mr. SUTHERLAND. That was the idea of the committee.

The reading of the bill was continued, as follows:

SEC. 273. Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder,

or rape, shall be fined not more than \$3,000, or imprisoned not more than ten years, or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than \$1,000, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than \$500, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than \$300, or imprisoned not more than three months, or both.

Mr. HEYBURN. I think I should call attention to the fact that the language of that section has been broadened so as to include that class of offenses wherever committed within the jurisdiction of the United States. It will be apparent from an inspection of existing law, section 5346, that Congress undertook to enumerate the places where the offense should be punishable. The enumeration was not complete. Therefore the committee used such general language as would include all the places enumerated in existing law and any other place within the jurisdiction of the United States.

Mr. BACON. I may have, in my hurried reading, made a mistake, but I do not think there is any penalty here for the offense of rape.

Mr. HEYBURN. That is in another section.

Mr. CLAY. Section 275.

Mr. HEYBURN. The Senator will find that section 275 covers the offense.

Mr. BACON. Yes; it is not in the place where it would ordinarily be found. We have not yet reached it.

Mr. CLAY. Probably the preceding section may cover all the sections, but the committee has left out "all places solely within the jurisdiction of the United States." It would appear from reading sections 274 and 275, if there is nothing preceding to confine it to places within the jurisdiction of the United States exclusively, that for the offense of murder or for the offense of rape the Federal court would assume jurisdiction regardless of the place where the crime was committed.

Mr. HEYBURN. There is a provision here that attaches the jurisdiction of the United States court only to those offenses committed within places over which the United States has jurisdiction to consider and punish those crimes.

Mr. CLAY. Does the Senator state that there is a general section of that kind?

Mr. HEYBURN. There is.

Mr. CLAY. What is the number? I would thank the Senator to tell me.

Mr. HEYBURN. In the judiciary act there is a general jurisdictional provision which establishes the jurisdiction of the United States courts. That is the administrative law. It was not the purpose of the committee to recommend in this criminal code administrative law where it could be avoided.

Mr. CLAY. I call the Senator's attention to the language of section 270, as revised by the committee, "Murder is the unlawful killing of a human being with malice aforethought," etc., defining how murder shall be punished. If you will turn to the old section, you will find that it reads as follows:

SEC. 5339. Every person who commits murder—

First. Within any fort, arsenal, dockyard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States, etc.

Now, it might be construed to mean that the committee is attempting to give jurisdiction to the Federal courts outside of places where the United States has exclusive control.

Mr. HEYBURN. If the Senator will turn to section 269, which is the section preceding the one to which he calls attention, he will find there that the limit of jurisdiction is defined so far as it would be applicable in that case.

I would say again that the general jurisdictional limits of the United States courts are defined in the judiciary act, but section 269 of this criminal code, so far as it is necessary for the purposes of this code, defines the limits of the jurisdiction. It is stated in the report that that section was framed in order to avoid repeating in each section of the chapter the territorial limitations in connection with every separate section, so that it would not be necessary in every section to define the jurisdiction. The committee has reported section 269 to obviate the necessity of such a repetition.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I would say to the Senator from Idaho that I see, in running through the old statutes, that every one of those statutes refers to the place where the offense must be committed in order to give jurisdiction, naming the places. I am frank to confess that if by inference the jurisdiction of the Federal courts can be enlarged so as to deprive the State courts of the right to try criminal offenses in any way whatever, then I

for one should not be willing to give my consent to that. I am frank to confess that I prefer the old statutes as they stand, because they specifically state where the offense must be committed in order to confer jurisdiction.

Mr. HEYBURN. The old statute is not more specific than section 269, which we have just passed over. That section is as specific as existing law; indeed, more so. It does not enlarge the jurisdiction of the United States courts by a hair's breadth. Let me call attention to it:

Sec. 269. *The crimes and offenses defined in this chapter shall be punished as herein prescribed—*

That is the chapter under consideration—

First. *When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof or to any corporation created by or under the laws of the United States or of any State, Territory, or district thereof.*

Second. *When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River St. Lawrence where the same constitutes the international boundary line.*

Third. *When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States, by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock yard, or other needful building.*

Fourth. *On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.*

Those are the geographical designations of the jurisdiction of the United States courts for the punishment of the offenses enumerated and provided to be punished in this chapter, and the section under consideration is one of the sections of this chapter.

Senators will find that we have not attempted to enlarge the jurisdiction of the United States either technically or geographically. We have simply gathered up a large number of existing provisions in the various statutes, the enumeration of the places over which the United States courts should have jurisdiction for the punishment of these offenses—we have gathered them together in a section at the beginning of this chapter providing for the punishment of these particular offenses in order to avoid the repetition with each separate section of this geographical jurisdiction. That certainly is in the interest of economy of time and space and consideration.

Heretofore, as the various statutes were being enacted, it was not convenient to refer to other sections in order to determine the jurisdiction. So each section as it was enacted enumerated the jurisdiction. We are codifying the laws in order that they may be more convenient for reference and application, and as a necessary part of the consideration in codifying these laws we bring together the oft-repeated expressions into some one particular expression that shall be applicable to the entire section.

The Senator from Georgia will find—and I say it on the faith of the committee, who were faithfully endeavoring to accomplish this object; and I believe they did, for they spent several days in considering this particular section referring to the jurisdiction of the United States courts—I think I may say on the faith of the committee that they have not enlarged the jurisdiction territorially or technically of the United States courts. They have merely brought these sections together, and if that looks to be larger or more comprehensive than it did at first, separated or scattered through twenty or thirty different sections, I think it will be found on comparison that the enlargement is merely apparent and not real.

Mr. BACON. Mr. President, my attention was withdrawn at the time the Senate passed the section which the Senator from Idaho has just been discussing, and I want to call attention to another matter in it, which I think should be at least looked after carefully. It may be that I am wrong.

Mr. HEYBURN. The Senator is now referring, as I understand, to section 269?

Mr. BACON. Yes; to section 269, in the matter of punctuation. Of course we know that punctuation will sometimes have a very material effect upon the question of construction, and I am referring to the comma which is after the word "State," in the eleventh line of that section.

Mr. HEYBURN. That has been stricken out. I moved that amendment. That was an error of the printer. When it was first reached I moved that it be stricken out, and it has been stricken out.

Mr. BACON. Then, I should like to ask the Senator another question. I am glad, however, to know that my suggestion in

that particular was fortified by the concurrent opinion on the part of the committee. I think, however, in the next line there is possibly something which needs attention. I refer to the twelfth line.

Of course we all recognize the fact that a murder committed upon a vessel belonging to the United States is a crime within the jurisdiction of the United States. If the sentence had stopped there I should have had nothing to say, but it will be observed that in referring to the place of the commission of the crime which causes the jurisdiction to attach it reads in this way:

On board any vessel belonging in whole or in part to the United States or any citizen thereof.

Mr. President, the point of that only relates to a crime committed outside of the jurisdiction of the State. Am I correct in that?

Mr. SUTHERLAND. I did not hear the inquiry of the Senator from Georgia.

Mr. BACON. The question suggested to my mind is whether that phraseology as it stood in connection with the prior part of the sentence would not seem to seek to confer jurisdiction upon the United States in a case where a murder was committed upon any vessel belonging to private citizens.

Mr. SUTHERLAND. To citizens of the United States.

Mr. BACON. Yes. That is only in case it is outside of the jurisdiction of the particular State, is it?

Mr. SUTHERLAND. There may be a case where the United States and some other country would have concurrent jurisdiction over such an offense. The United States might have the right to punish an offense committed upon a vessel because it was owned by a citizen of the United States.

Mr. BACON. I may be mistaken in my construction, but the language used is not as clear as I should like to have it. I understand the intention of the committee in the phraseology adopted is to limit the question of the jurisdiction of the United States to a crime committed upon a private vessel to a case where the vessel is not within the territorial jurisdiction of any State. Am I correct in that?

Mr. SUTHERLAND. That is correct, as I understand it.

Mr. BACON. If that is the proper construction of it, I do not think there is any criticism to be made upon it. It is rather an involved sentence, and I think it rather unfortunate that it has not been separated in some way. The putting of vessels of the United States in the same sentence, without even the division of a comma, with vessels owned privately, misled me as to the purpose of the section. But if the construction is satisfactory and it limits such jurisdiction to a case where a crime is committed upon a private vessel, that vessel being at the time not in the jurisdiction of any State, then I think it is a proper provision of law.

Mr. SUTHERLAND. If the Senator will refer to lines 10 and 11, he will see that they read "and out of the jurisdiction of any particular State."

Mr. BACON. Yes. But the misfortune is that a crime when committed upon a vessel of the United States is a crime within the jurisdiction of the United States, never mind where that vessel may be, the Senator will understand, and at the same time it is conjoined in the sentence with the case of a private vessel where the jurisdiction of the United States can only attach under certain circumstances, to wit, when the vessel is not in the territorial jurisdiction of any particular State. For that reason I should say the intent is not expressed as happily as it might be. Still, I presume upon a careful examination of it one would not be misled by the construction.

Mr. SUTHERLAND. Mr. President, I have a very high regard for the opinion of the Senator from Georgia upon any legal question, but I think he is in error about this particular matter. The language is—

Or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, on board any vessel belonging in whole or in part to the United States, etc.

So that it is qualified by the words "when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State."

Now, as I understand the law, if, for example, a vessel belonging to a citizen of the United States happened to be tied up at a wharf in the city of Boston, an offense committed upon that vessel is within the jurisdiction of the State—

Mr. BACON. A private vessel.

Mr. SUTHERLAND. And not within the jurisdiction of the United States.

Mr. BACON. Undoubtedly.

Mr. SUTHERLAND. But if it happens to be a war vessel, perhaps the United States might have jurisdiction under some other provision.

Mr. BACON. That is exactly the point to which I am calling the attention of the committee. As I understand it, if an offense be committed on a war vessel the United States has jurisdiction, or should have it, or it is intended that it should have it, whether committed within the jurisdiction of the State or not.

Mr. SUTHERLAND. Well, the United States would have jurisdiction of the offense, of course, were it a violation of military law, but I do not understand that in that case the United States would have jurisdiction of an offense which was a violation of civil law; as, for instance, in an ordinary case of murder.

Mr. BACON. Is it the design of the committee to put an offense committed on a war vessel upon the same footing as an offense committed in a public building of the United States?

Mr. SUTHERLAND. No; that would come within another principle. An offense committed in a public building of the United States over which the State had ceded its jurisdiction would come within an entirely different principle, as I understand it; but it is the intention of the committee to say that where a vessel, as in the case I have illustrated, is attached to a wharf within the limits of a State any offense committed against the civil law—and I use that term in contradistinction to the military law—is an offense within the jurisdiction of the State, and not within the jurisdiction of the United States. If it happens to be an offense against military law, of course the military authorities have jurisdiction.

Mr. BACON. In other words, if a murder is committed upon a war ship lying in the harbor of New York, the design is that jurisdiction of that offense and the trial of the perpetrator of it shall be by the civil authorities of New York and not of the United States.

Mr. SUTHERLAND. That is my understanding. If two citizens of the State of New York, for example, should happen to be on board a war vessel tied up at one of the wharves in New York, should enter into a quarrel, and one should kill the other, that would be an offense cognizable by the State authorities and not by the Government of the United States.

Mr. BACON. If, on the other hand, those same two citizens were in the post-office building in the city of New York and were to engage in an altercation and one were to kill the other, the offense would be within the jurisdiction of the Federal courts.

Mr. SUTHERLAND. Precisely.

Mr. BACON. Now, I want to ask the committee—I have not had time to examine it myself—if that is the status of the present law?

Mr. SUTHERLAND. It is, as I understand it. I understand that to be the decision.

Mr. BACON. It is rather an anomaly if such is the case, Mr. President; and, while I presume I can not be reasonably accused of desiring to take away jurisdiction from a State, but rather the reverse wherever it is practicable, I myself think the law ought to be the other way. I think the Federal courts ought to have jurisdiction over whatever transpires upon a war vessel, for the same reason that the Federal courts have jurisdiction, or have claimed to have it, in a case where there is a crime committed upon a Federal reservation. If that is the present law and this makes no change, I shall not seek to have the change made; but I confess that it is somewhat of a surprise to me that that is the status of the law at present.

Mr. SUTHERLAND. I will say to the Senator from Georgia that that is my understanding of the law. In the case of a post-office building or any other public building which has been erected under the provision in the Constitution which gives the United States Government exclusive jurisdiction over any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which it is situated—

Mr. BACON. Yes; I am quite aware of the fact that that is the constitutional provision.

Mr. SUTHERLAND. That falls within a different principle. But if a war vessel is tied up at a wharf within the limits of a State, as I understand, an offense committed upon it is within the jurisdiction of the State.

Mr. BACON. I think the Senator is mistaken simply in one expression he uses, when he says it is upon a different principle. It may be that it is controlled by a different law; but the principle, so far as I can see, would be the same in one case as in the other. In the one case it is required by the Constitution, but the same principle which has induced that constitutional provision would, it seems to me, now require a statutory provision where the Constitution did not itself point it out.

Mr. SUTHERLAND. It may be true that I used the word "principle" in too broad a sense; but I mean by that that it falls within a different rule. My colleague on the committee

[Mr. HEYBURN] has the authorities and is informed on that question.

Mr. BACON. I am not, of course, asking that any change be made if that provision is in accordance with the law as it exists at present. I will not ask the committee to make any modification of it, but it seems to me to be rather a strange distinction between a crime committed in a public building on land—in that case being within the jurisdiction of the United States court—and a crime committed on a warship, probably within 50 feet or 50 yards of the same building, being within the jurisdiction of the State. I think there is a very much stronger reason why it should be within the jurisdiction of the United States in case of a war vessel than in the case of a public building.

Mr. HEYBURN. Mr. President, the committee had considerable difficulty in harmonizing and adjusting the several existing provisions of law taken in connection with the decisions that had been rendered upon this subject. This is what we might term a very large subject; and it has received the attention of the United States Supreme Court on more than one occasion. There has been a wide difference of opinion in that court with reference to this question of jurisdiction, and on one occasion one of the most eminent members of that court, dissenting from the court, gave very excellent reasons for his dissent. But the law has not been changed from what it was as recently decided by that court.

One of the decisions rendered under the act of 1825—and, in passing, I will say that this provision is made up of the acts of 1790, 1825, 1875, and 1890—

Mr. BACON. And numerous decisions under them.

Mr. HEYBURN. As I have said, the courts have not left the question in uncertainty, but the law is in such a condition as to require a very careful comparison and analysis of the decisions in order to determine what the court holds the existing law to be.

In reframing this language your committee endeavored to keep as closely as possible within the declaration of the court as to what the law is. It may have erred; but it was only after many days devoted to a discussion of this particular portion of their work that they arrived at the conclusion as expressed in the report of the sections. In the case of the United States against Arwo, reported in 19 Wallace, page 486—a case which was decided in 1873 on a certificate of division in opinion from the southern district of New York—the Supreme Court recites that—

The statute of March 3, 1825—

That being the statute under which this prosecution was being maintained—

make an assault committed on the high seas with a deadly weapon a crime against the United States, and the act is made cognizable in virtue of prior law—

Which refers to the act of April 30, 1790. That was the first enactment giving the courts jurisdiction of that class of offenses.

This statute being in force, Arwo was indicted in the southern district of New York for an assault of the kind just spoken of, committed on a vessel alleged to have belonged to citizens of the United States. He pleaded to the jurisdiction, alleging that immediately upon the commission of the assault he had been placed in irons on board ship for custody and to be forthcoming to answer any charge therefor, and was so kept until the vessel reached the lower quarantine anchorage in New York Harbor, within the eastern district of that State; that the vessel lay at anchor at such station for five days, during which he, being still in such custody, was delivered to the harbor police, officers of the State of New York, in order that he might be forthcoming, etc., and that they without process or warrant from any court carried him to the city of New York, where he was delivered over to the marshal of the United States for the southern district of New York, and that a warrant for his arrest (being the first issued in this case) was afterwards duly issued to the said marshal; so that, upon the whole, he had been apprehended and brought first into the eastern and not into the southern district, and therefore could be tried only in the former district, etc.

Upon demurrer the following questions occurred, and the court certified a division upon them:

"1. Whether the prisoner having been taken into custody by the master of an American vessel, while on her voyage, upon a charge of having during the voyage committed an offense against the United States on board such ship, upon the high seas and out of the limits of any State or district, and first brought, in such custody, into the eastern district of New York, can be tried for such offense in the southern district of New York.

"2. Whether the facts stated in the plea show that the southern district of New York is not the district in which the defendant was apprehended, within the meaning of the act of March 3, 1825.

"3. Whether the plea discloses that, within the meaning of the act of March 3, 1825, the apprehension of the defendant occurred either upon the high seas, or in the eastern district of New York, and not in the southern district of New York.

"4. Whether the act of March 3, 1825, confers jurisdiction in the alternative, and enables this court to assume jurisdiction to try an indictment by reason of the fact that the defendant has been arrested in this district, upon the charge in the indictment contained, by an officer of the United States, as stated in the plea, notwithstanding it appears that the defendant was first brought into the eastern district of New York."

I read more of the statement of facts than is really necessary for the consideration of this point so that the entire question before the court on the certificate of division in opinion might be understood. That is followed by the argument of counsel:

Mr. Justice Clifford delivered the opinion of the court. Instead of answering separately the questions certified here, I am instructed to say that the court, upon the facts alleged in the plea, is of the opinion that the circuit court for the southern district of New York had jurisdiction in this case, and that the court directs that this statement be certified to the circuit court as the only answer required to the several questions presented in the record.

We may fairly deduce from the conclusion of the court in that case that they considered—the place of the commission of the offense being upon a vessel within the class designated by the act of 1825—that the question as to where the party first reached the land, so to speak, of the United States was immaterial, but that the act under consideration—the act of 1825—made it an offense against the United States to commit the crime upon a vessel, and that the question of the place of trial became immaterial after that—wherever he was apprehended and the United States chose to assume jurisdiction.

Mr. BACON. Was that a private vessel or a war vessel?

Mr. HEYBURN. It was a vessel owned by citizens of the United States.

Mr. BACON. Was it without the jurisdiction of a State?

Mr. HEYBURN. It was without the jurisdiction of the State at the time of the commission of the offense. That is recited in the statement of facts.

Mr. BACON. I understand.

Mr. HEYBURN. But the party was apprehended on a warrant served within the jurisdiction of the State of New York, so that, the place of the commission of the offense being without the jurisdiction of the State, it was immaterial where the party was apprehended.

Mr. BACON. I will ask the Senator's attention—if he will pardon me for the interruption—

Mr. HEYBURN. Certainly. The Senator does not interrupt me.

Mr. BACON. The Senator is possibly coming to that particular point, but the question that I was troubled about was whether an offense committed upon a war vessel within the jurisdiction of a State was or was not an offense against the United States cognizable in a Federal court.

Mr. HEYBURN. I will reach that in a moment. I think I have another decision upon this question. I will say in this connection that the citation as published in part 2 of the report is misleading in that the designation "Mas." should be "5 Mason" in stead of "5 Mass." The Senator will find it in the margin. There is also an important decision in the case of United States against Holmes, in 5 Wheaton, page 412.

There has been a great deal of consideration given to this question, but I think I can only take the time of the Senate at this juncture to say that the committee sifted down all of these decisions and that the section as reported is the result of a very careful consideration of the cases. Of course, that is not a sufficient answer to the question submitted by the Senator, but I will give that a moment's consideration.

An offense committed upon a war vessel of the United States, if it is in violation of the discipline of the Navy or the military law of the United States, comes within the jurisdiction of a court-martial. If it is an offense against the laws of the United States, applicable alike to all classes of citizens, it is a crime against the United States and it is triable in the United States courts. They have jurisdiction of the offense because it is a crime against the United States within territory under the exclusive jurisdiction of the United States, provided that the offense is committed without the jurisdiction of a State. If the offense is committed within the jurisdiction of a State the party may be turned over for trial to the civil authorities of that State within whose jurisdiction it was committed.

There is some conflict of authority as to whether or not there is a concurrent jurisdiction in such cases as that, but your committee have reported the law as it is written and left the question of interpretation of that law to the courts.

Mr. BACON. I merely want to ask the Senator a question in connection with what he has just said. It seems to me that of all the peculiar functions of the Committee on Revision, one of the most important is to settle any question that is in doubt as to statutory provisions. This is one question that ought to be specifically settled by statute. It is the statute which can confer the jurisdiction, and it is only by reason of the doubt that there is not jurisdiction. While, as I have suggested, I am not in the habit of seeking to withdraw any jurisdiction from the States which can properly belong to them, it does seem

to me that the jurisdiction of the Federal authorities ought to be certain and couched in no ambiguous language in a statute conferring that jurisdiction in the case of a crime committed upon a war vessel of the United States. It is the territory of the United States; it is an exclusive territory of the United States, as much so as any public building can possibly be, situated in the body of a State. While I will not take the liberty of offering an amendment myself—

Mr. HEYBURN. Mr. President—

Mr. BACON. If the Senator will pardon me for a moment, if the Senators had found that the law was clearly stated, leaving no doubt of the fact that the jurisdiction was in the State, I would not contend that it was their duty to seek a change of the law, but where they themselves say it is in doubt, it seems to me the doubt ought to be settled. It ought to be specifically provided either that it is in the State or the United States. I myself think it ought to be in the United States.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER (Mr. WARNER in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I do not think that a crime committed on board of a war ship of the United States is therefore necessarily committed within a place that is within the exclusive jurisdiction of the United States within the meaning of the Constitution, which confers exclusive jurisdiction on the United States in certain cases specified and named. Places purchased within a State, by the consent of the State, for forts, arsenals, etc., are within the exclusive jurisdiction of the United States. A war ship, of course, like any other vessel of the United States owned by citizens of the United States, is, when on the high seas, within the admiralty and maritime jurisdiction of the United States, or when in any bay or inlet of the sea, or, indeed, when on any water, even though that water be within the exclusive jurisdiction, or perhaps I should say the territorial jurisdiction, of a foreign state, it is within the admiralty and maritime jurisdiction of the United States, because it is a vessel of the United States. But there is a case—I do not recall the title of it; perhaps the Senator from Idaho or the Senator from Utah will recall it—which went up from Massachusetts, where the crime was committed on board a vessel of the United States within the Boston Harbor, as I recall it—some waters on the Atlantic coast—I think Boston Harbor. Does the Senator from Utah recall the case?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. It is the case of *The United States v. Grush*. I have it in my hand.

Mr. FULTON. As I remember that case, the court held that the vessel was within the jurisdiction of the State and therefore it was not a case in which the United States court had jurisdiction.

Mr. HEYBURN. The court held the waters were within the county of Suffolk.

Mr. FULTON. That is the question.

Mr. HEYBURN. It was a question of the limit of the jurisdiction of the State, and the decision was rendered by Mr. Justice Story. But I should say in fairness to the consideration of this question that Mr. Justice Story differed from the majority of the court on a later occasion when a question involving a part of the principle here involved was before it, and the majority of the court was against him.

He not only filed a very strong dissenting opinion, but afterwards drew a bill and had it presented for consideration which was in conformity with his idea of what the law should be. It was in conformity with his idea of what the law was. The court having held that that was not the law, in his desire to have the law so established he drew a bill which was introduced, and he probably showed more feeling in regard to this question than any other question that came before the court during the long, many years that he was on the bench.

The Senators will realize that the committee had quite an undertaking before it when it undertook to sift down the exact line and limit of the jurisdiction. I agree with the Senator from Georgia that this question should be settled by a statute, but I do not agree with him that it was within the province or function of the Committee on the Revision of the Laws to attempt to frame a statute for that purpose. That should be—

Mr. FULTON. I should like to ask the Senator a question.

Mr. HEYBURN. Certainly.

Mr. FULTON. Is there a decision of any court holding that a crime, distinct from a violation of the Naval Regulations, which if committed on land would be simply an offense against the laws of a State, when committed on board of a man-of-war or naval vessel within the limits of a State is punishable under

the United States statutes and cognizable by a court of the United States?

Mr. HEYBURN. Does the Senator mean whether there is a record of anyone having escaped justice because of the absence of legislation?

Mr. FULTON. No; whether there is any case holding that a United States court has jurisdiction where the offense is committed on board a naval vessel within the waters of a State.

Mr. HEYBURN. Or while she is tied up to a wharf.

Mr. FULTON. Or while she is tied up to a wharf; that is, aside from the violation of the Naval Regulations.

Mr. HEYBURN. The decisions upon that question are usually by the lower courts, because in almost every instance, in fact in every instance that recurs to my mind, the party was acquitted, and, of course, there was no law under which the question could be brought to the Supreme Court of the United States. Parties have frequently escaped punishment because of this distinction, which we may term technical or not, as we see fit.

But Senators will remember that in the Guiteau case the insufficiency of the law was demonstrated and illustrated. The shot was fired in the District of Columbia. The victim died in the State of New Jersey. There was no law under which he could be tried in the State of New Jersey for that offense, and there was no law in the District of Columbia under which he could be tried for an offense where the victim died beyond the jurisdiction; and it was necessary for the court, in order to hold the defendant, to hold that the common law being applicable to the State of Maryland, from which the District of Columbia was carved at the time of the creation of the District, was applicable; and Guiteau was tried and convicted and executed under the common law as applicable in the State of Maryland in the absence of any legislation sufficient to try him either in the District of Columbia or in the State of New Jersey, where Mr. Garfield died.

That illustrates the insufficiency of the law, and I am free to say that, in my judgment, the law is pretty nearly as insufficient in regard to the clear line of distinction as to the jurisdiction of the United States and the State courts in respect to a certain class of offenses.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I think the point the Senator is now discussing is entirely distinct from the other proposition, and unless the committee has changed the rule which we adopted when I was a member of it, there is a section in the report the committee has filed which expressly provides that the crime shall be deemed to have been committed at the place where the mortal blow was struck.

Mr. SUTHERLAND. That is retained.

Mr. HEYBURN. We retain that.

Mr. FULTON. That does away with that question.

Mr. HEYBURN. I would not want the Senator from Oregon to think or to create the impression that I consider the Guiteau case as applicable to the consideration of this question. I used it for illustration only—

Mr. FULTON. I understand.

Mr. HEYBURN. As to the very fine distinctions that are very frequently drawn and have to be overcome by the courts either on behalf of the party charged or on behalf of the administration of justice, in the interest of the public. I was using it as an illustration. I said or intended to be understood as saying in response to the question submitted by the Senator from Georgia that the line of distinction is about as fine drawn in regard to the jurisdiction in the cases to which he has referred as it is in the other case—that is, in the Guiteau case, or that class of cases.

Mr. FULTON. I do not wish to be understood as questioning the fact that the Senator from Idaho clearly understood the distinction, or as intimating that he was confused at all in his statement of the two propositions. I simply wished to emphasize the contention I was seeking to make, that the propositions are, in my judgment, not only entirely distinct, but that the line of authority is much clearer on the one than it is on the other. I do not myself think that there is any reasonable doubt about what the law is touching where a crime is cognizable when committed even on board a vessel of the United States, if it be committed within the jurisdiction of a State. I think it is clearly cognizable by the State court.

Mr. HEYBURN. By the State court?

Mr. FULTON. Yes.

Mr. HEYBURN. I think that that probably was in the mind of Congress when it enacted the law, and I think probably that

view would be contended for by those who are strict constructionists as to the rights and limits of the jurisdiction of the State. But the courts have not always so held.

Mr. BACON. Let me ask the Senator a question. What is the volume from which he started to read when the Senator from Oregon interrupted him?

Mr. HEYBURN. It is 5 Mason, page 290.

Mr. BACON. Did the Senator say the decision was rendered by Mr. Justice Story?

Mr. HEYBURN. The decision was by Mr. Justice Story, in the circuit court of the United States for the first circuit; reported in volume 5 by William P. Mason.

Mr. BACON. In that case, as I understand the Senator, Mr. Justice Story, dissenting from the majority, contended that the jurisdiction—

Mr. HEYBURN. No; the case in which he dissented from the majority was that of the United States v. Holmes, 5 Wheaton, 412.

Mr. BACON. In that case, as I understand, the opinion of Mr. Justice Story was that where the offense was committed upon a war vessel of the United States, regardless of where the vessel might be, the jurisdiction was in the United States courts.

Mr. HEYBURN. It arose out of the question of a vessel weaving backward and forward—the question of the necessity of the definite location of the vessel.

Mr. BACON. I am not speaking of the question of location.

Mr. HEYBURN. I will send for the case, and see whether it was a war vessel.

Mr. BACON. Of course the question as to the particular situs of the vessel at the time of the commission of the crime is altogether a different question from the one which I raised as to the jurisdiction of United States courts of a crime committed upon a war vessel, regardless of the situs.

Mr. SUTHERLAND. If the Senator will permit me, I wish to call his attention to one thing he said. I understand him to say that, in his opinion, if the United States has jurisdiction over a public building, it ought also to have jurisdiction over its war vessels.

Mr. BACON. Of course I understand in the case of public buildings it is controlled by constitutional provision.

Mr. SUTHERLAND. Yes; it is.

Mr. BACON. But I say the same principle, it seems to me, which induced them to incorporate that provision in the Constitution should induce us to incorporate a similar provision in the statute as applied to war vessels.

Mr. SUTHERLAND. But the United States has jurisdiction over a public building, not because it is a public building of the United States, but because the State has ceded its jurisdiction to the Government of the United States. For example, the United States Government—

Mr. BACON. It is because the Constitution requires that to such buildings the jurisdiction of the United States shall attach.

Mr. SUTHERLAND. Suppose there was no constitutional provision at all on the subject?

Mr. BACON. That would be a different thing altogether.

Mr. SUTHERLAND. Yes.

Mr. BACON. But the proposition I make, if the Senator will pardon me, is that the same principle that induced the framers of the Constitution to provide that when in a public building of the United States a crime was committed, jurisdiction should attach to the United States courts, would, it seems to me, constrain us in framing a statute which should prescribe the jurisdiction in the case of a crime upon a war vessel, also to give the jurisdiction to the United States court. It is simply an analogy.

Mr. SUTHERLAND. If I understand the Senator, then, he means to say that if it was wise for the makers of the Constitution to provide that the United States should have exclusive jurisdiction over a public building within a State when it had been ceded by the State government, it would also be wise to provide for the same sort of jurisdiction over a war vessel. But in the one case there is a constitutional provision and in the other there is not. In the case of a public building the Government has jurisdiction, not because of the character of the building, not because of the ownership, but it rests upon the proposition that the State under the Constitution has ceded its authority and its jurisdiction to the United States. In the case of a war vessel it is simply property owned by the United States which happens temporarily to be within a State and over which the State has not ceded its jurisdiction.

I can not see that it differs in principle from a case where the Government of the United States might own a car—a mail car, for example—it might own the whole thing; it might be the property of the United States, under the control of its offi-

cers, carrying its property. If that mail car happened to be within the limits of a State and an offense was committed upon it which did not violate some provision of the law which dealt with a crime against the sovereignty of the United States, it would be an offense under the jurisdiction of the State and not of the Federal Government, because it does not come within any class mentioned in the Constitution over which the State has ceded jurisdiction. So, it seems to me, it makes no difference whether the vessel is one owned by the United States or one owned by a citizen of the United States; that when it is upon the high seas, upon the waters out of the jurisdiction of the State, the United States has jurisdiction over it; when it is within the limits of a State, then the State has exclusive jurisdiction over any offense that is committed upon it.

Mr. HEYBURN. I have before me the case of *The United States v. Holmes*, in which the decision was rendered by Mr. Justice Washington in 1820, before the act of 1825 was passed. It was rendered under the act of 1790:

The courts of the United States have jurisdiction under the act of the 30th of April, 1790, chapter 38, of murder or robbery committed on the high seas, although not committed on board a vessel belonging to citizens of the United States, as if she had no national character, but was held by pirates or persons not lawfully sailing under the flag of any foreign nation.

In the same case and under the same act, if the offense be committed on board of a foreign vessel by a citizen of the United States, or on board a vessel of the United States by a foreigner, or by a citizen or foreigner on board of a piratical vessel, the offense is equally cognizable by the courts of the United States.

It makes no difference in such a case and under the same act whether the offense was committed on board of a vessel or in the sea, as by throwing the deceased overboard and drowning him, or by shooting him when in the sea, though he was not thrown overboard. (*The United States v. Holmes et al.*, United States Supreme Court Reports, vol. 18, p. 412, 5 Wheat., February term, 1820.)

That was a case which grew out of an act of piracy. It is not the case I had in mind.

Mr. BACON. As I understand the Senator, there is possibly no case where there has been an adjudication by a circuit court of the United States or the Supreme Court of the United States distinctly on the point whether the jurisdiction attaches to the United States in the case of a crime committed on a war vessel.

Mr. HEYBURN. There is no case in the Supreme Court of the United States. I will read the constitutional provision, so that it will appear in the RECORD.

Section 8, Article I, of the Constitution provides:

The Congress shall have power * * * to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

That is the limit of the constitutional power given to Congress to legislate in regard to crimes, except that contained in a subsequent paragraph, which I will read:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings—

And—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

That is the limit of the power of Congress to legislate in regard to criminal offenses, so far as territorial jurisdiction is concerned. Of course, it is not a limitation so far as the character of offenses is concerned, except as to territorial jurisdiction.

If the attendance of the Senate was larger than it is, I would feel that we might perhaps take up the consideration of the amendment of this law, but I suggest to the Senator from Georgia that we should not undertake at this time to change existing law, either by amending the report of the committee or the existing law.

Mr. BACON. I quite agree with the Senator that under present conditions it would not be practicable to do so.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 275. Whoever shall commit the crime of rape shall suffer death.

SEC. 276. [Whoever shall carnally and unlawfully know any female under the age of 16 years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.]

SEC. 277. Every master, officer, seaman, or other person employed on board of any American vessel, who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than

\$1,000, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

SEC. 278. [When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination.]

SEC. 279. [Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both: Provided, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.]

Mr. BACON. I notice in the hasty reading, which I have been able to give of the existing law, while at the same time trying to follow the reading of the Clerk, that the Committee on Revision has left out the designation, which is now found in the existing law, as to that offense. It is designated in the existing law as manslaughter. The committee, I have no doubt, were wise in their conclusion, but I should like to know the reason why they changed the phraseology to that extent.

Mr. HEYBURN. The committee has divided manslaughter into two degrees. So it seemed that in the interest of simplicity and concise expression it was better to leave the section stand so that it would cover either class and avoid the necessity of practically repeating the entire section twice in order to cover the distinction between manslaughter in the first and second degrees, which the committee has reported, and which has already been passed. That is the reason.

Mr. BACON. If a party is to be indicted under this law, what is the designation of the offense with which he is charged?

Mr. HEYBURN. The designation of the offense would be a statement of the facts as to the act he had committed, and if it came within the provisions of this statute that would be sufficient:

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed.

You would allege in the indictment that the captain, for instance, had been guilty of misconduct, negligence, and inattention, and by reason thereof the occurrence had happened. That is the usual manner of stating the description of offenses where the offense has no name. There are a very large number of offenses in the statutes now that have no names, and the offense goes simply by its description rather than by its designation by name. It is not unusual at all.

Mr. BACON. I think the Senator will find in a body of laws where that course is pursued there is some general provision of law that wherever an offense is not otherwise designated it shall be termed a misdemeanor.

Mr. HEYBURN. We have such a general provision here.

Mr. BACON. If there is such a general provision, a party could be indicted under that and then the specification could follow.

Mr. HEYBURN. Yes. I did not understand the Senator's remarks to be directed to that phase of it.

Mr. BACON. Yes; they were.

Mr. HEYBURN. There is a general provision which applies to all parts of the code as reported, by which the grade or degree of any offense may be measured.

Mr. BACON. And the party can be so indicted?

Mr. HEYBURN. Yes.

Mr. BACON. I think that is entirely sufficient.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 280. [Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person; or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever, shall be fined not more than \$1,000 or imprisoned not more than seven years, or both.]

Mr. HEYBURN. I will say that we have simply enlarged that section to meet conditions now existing which did not exist within the contemplation of the original act.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 281. [Whoever, by force and violence, or by putting in fear, shall feloniously take from the person of another anything of value, shall be imprisoned not more than fifteen years.]

SEC. 282. Whoever shall willfully and maliciously set fire to, burn, or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall be imprisoned not more than twenty years.

SEC. 283. [Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any light-house, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than \$5,000 and imprisoned not more than twenty years.]

SEC. 284. Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding \$50, or is taken from the person of another, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both; in all other cases, by a fine of not more than \$1,000, or by imprisonment not more than one year, or both. If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

Mr. KEAN. Will the Senator explain the last section read?

Mr. HEYBURN. I will do so. This section conforms to the law of the large majority of the States in dividing larceny into two classes and grading the punishment accordingly. The amendments, I think, are self-explanatory.

Mr. KEAN. Can the Senator state to which States it applies?

Mr. HEYBURN. By taking the data that was before the committee I could refer the Senator to each State to which it applies. I would say that the committee had before it reference to the laws of the several States in regard to this class of offenses. It is obvious to those familiar with the law that this offense may be of an exceedingly grave nature or a very trivial nature, and the distinction which is made in the section is one that would appeal to the courts as between the more grave offense and the offense of lesser gravity.

I do not know that any further explanation could be made. It is a section which deals with existing law. It is based upon an existing statute which provides for the punishment of some offenses, except that it makes no distinction between a very grave offense and a more moderate form of the offense.

Mr. KEAN. I would suggest that it is a pretty important change.

Mr. HEYBURN. There are a great many important changes here—that is to say, if we call them changes. I call the Senator's attention specifically, however, since it attracts his attention, to the first half of section 284, which is as follows:

Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding \$50, or is taken from the person of another, by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both; in all other cases, by a fine of not more than \$1,000, or by imprisonment not more than one year, or both.

It is a distinction that has been common to larceny and such offenses in all the States, I think, from the very early days in the history of this country.

The only new provision contained in the section is the following:

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

In other words, it fixes a standard by which the grade of the offense may be determined, where the offense consisted in taking something that had an uncertain value. It might have a face value that would bring it within the graver class of offenses, and it might really be worth nothing.

Mr. KEAN. Is not that what it does? Does it not fix the face value as the value of the debt?

Mr. HEYBURN. No; it says the amount that "might be collected thereon."

If the property stolen consists of any evidence of debt, etc., or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen.

If the Senator has a more equitable rule than that to suggest, the committee would be glad to have it.

Mr. KEAN. I ask if a person should steal a million shares of mining stock of the value of 25 cents each or 10 cents each, would the nominal par value of the stock be the degree of his guilt?

Mr. SUTHERLAND. If the Senator from Idaho will permit me, I think in that case it would not. That would be tested by

the provision in lines 21 and 22, "the value of the property the title to which is shown thereby." The rule stated in the italicized portion of the section is one which is to be found, I think, in nearly every State in the Union, and it was framed in those various States in order to get rid of the rule of the common law on the subject.

At common law when a man was indicted for having stolen a written instrument the value which the common law attached to it was the intrinsic value of the paper, which was merely nominal, and it was a very unjust rule. That rule of the common law has been modified by statute in England, and it has been modified by, I think, the statutes of nearly every State in the Union.

The old statute, of which this is a paraphrase, was enacted in April, 1790, and there has been no change made since that time. It was the purpose of many of the changes made by the committee, and this is one of them, to modernize laws which were passed more than a hundred years ago.

The Secretary resumed the reading of the bill, as follows:

SEC. 285. Whoever shall buy, receive, or conceal any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than \$1,000 and imprisoned not more than three years; and such person may be tried either before or after the conviction of the principal offender.

SEC. 286. [Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 289 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District.]

Mr. KEAN. I will ask the Senator from Idaho to explain the section.

Mr. HEYBURN. This is one of the most difficult sections in the revision, I am free to say, and I reserved the right, when the committee finally considered it, to criticize it and amend it. It is existing law in substance, but it attempts to engraft on Federal law the statutes of the State without reciting them, without showing what they are, and it provides that they shall remain engrafted as a part of the Federal law even though the State repeals them.

That is existing law. In my judgment it should not be law. There is very grave doubt in my mind whether, the question being presented to the highest court in the land, that class of legislation would be sustained. But as late as 1898 the provisions of the act of 1825, which went only a part of the way, were enlarged, so that to-day that is the law upon the statute books and the committee were very loath, under the general principle by which they were guided, to propose any change in a law so recently enacted that had received the consideration of the Committees on the Judiciary of the two Houses of Congress, many members of which are still Members of the respective bodies.

I could not pass this section without calling the attention of the Senate to the anomalous class of legislation which the section represents. At the time of the enactment of the section originally every section of the law of any State was engrafted upon the laws of the United States and it was limited to the laws then in existence of the States. There was a very serious controversy over the act of 1825 for many years in the courts, and it was held that it did not apply to any law that was passed subsequent to the enactment of the act of 1825.

Then, again, in 1898, when the provisions of the act were enlarged, it was held that it simply included the laws passed between 1825 and 1898 as being within the scope of this indefinite legislation, laws written in small characters high upon the pillars of the temple.

The courts hold that the provisions of the act of 1898 do not apply to any legislation by a State subsequent to that date. So in the United States courts the laws of the States that were in existence at the time of the passage of the act of 1898 are a part of the statutory laws of the United States. Congress never considers the wisdom of them, no committee of Congress ever passes upon or even reads or has called to its attention these laws that it adopts without specific reference, and it merely makes the laws of a State enforceable in a United States court without ever knowing what those laws are. In my judgment, which is evidently opposed by the wisdom of the courts and of the legislature, that is not a correct or safe system upon which to establish law in any country.

Mr. President, if we enact the provisions of this code as reported by the Commission we will do what was done in 1898. We will make the laws of the States at the hour of the enact-

ment of this code a part of the laws of the United States, enforceable in the courts of the United States, and a law that is enacted the next day by the legislature of any State will not be a part of the laws of the United States or enforceable in the courts of the United States. It will become necessary, if we adopt this provision, to reenact it every year in order that the courts of the United States may enforce the laws of the States up to date.

The difficulty arises out of the fact that we can only adopt the laws which are in existence. If we were to attempt to do more it would be in the nature of the delegation of authority to the States to legislate for and on behalf of the United States and thereby establish a rule for the courts to follow. The courts have held that Congress might adopt the laws in existence by reference in general terms, but could not adopt the laws that might be enacted by the States an hour after the passage of the act of Congress.

It is an anomalous condition. I admit the necessity for some legislation upon this subject. I think that the legislation which has been enacted to which I have just referred (and I say it without any disrespect to the legislative bodies that have gone before) has been in the interest of saving themselves trouble. There is no good reason why various acts of the various States could not be selected and referred to in express terms and incorporated in the legislation applicable to the Federal courts. It would require a complete consideration of the laws of the several States, and that they should be in specific terms incorporated into the Federal law.

I think it was only right to call the attention of the Senate to the character of this legislation, having reserved the right so to do at the time it was adopted by the committee.

Mr. BACON and Mr. SUTHERLAND addressed the Chair.

Mr. BACON. I will yield to the Senator from Utah, but I wish to make some remarks a little later.

Mr. SUTHERLAND. Mr. President, this is one of the very few matters about which the Senator from Idaho, my colleague on the committee, and myself disagree. I think not only the legislation is constitutional, but I think it is wise and proper legislation. Indeed, I do not know of any other practical way in which this question can be dealt with. To attempt to provide by special enactment for all of the various offenses which are offenses under the laws of the forty-six different States would involve a criminal code exceeding in bulk all of the Revised Statutes of the United States.

This section simply reads into the Federal law the provisions of the laws of each State and applies them to the particular places under the exclusive jurisdiction of the United States within that particular State. There may be in some of the States offenses which are peculiar to those States and which are not recognized in other States. We are dealing with forty-six different States. We can not undertake to search out the peculiar conditions in each of the States and provide by a vast and comprehensive system of law to cover every one of those offenses, and yet the offenses ought not to go unpunished because they happen to be committed in a post-office building in the exclusive jurisdiction of the United States. For example, a man in the city of Chicago, upon one of the streets of Chicago, in one of the hotels of Chicago, commits an offense which is punishable under the law of the State of Illinois. If we do not have this particular provision upon the Federal statute books, and he happens at that time to have been in the post-office building, he goes absolutely unpunished.

I do not see any other practical way by which we can deal with this question, because certainly it would not be a good condition of affairs if an offense considered by the State to be worthy of punishment when committed in a hotel building should not be punished when committed in a public building of the United States.

It is true that this law applies only to the laws which are in force at the time it is passed, because we would not have the power to make it apply, even if it were wise, to laws subsequently passed. To undertake to do so would be an unlawful delegation to the legislatures of the various States of the legislative authority which belongs to Congress.

I do not know of any authority which has ever questioned the validity of the legislation. There have been numerous prosecutions under the provision. I have here a comparatively recent case reported in 122 Federal Reporter, the case of *The United States v. Tucker*, which was brought under this provision of the law, and no question was made either by counsel or by the court as to the validity or the wisdom of the legislation which was enforced in that case.

Mr. BACON. What was the character of the offense?

Mr. SUTHERLAND. I do not just recall the character of it.

Mr. BACON. It is not material.

Mr. SUTHERLAND. No. The syllabus does not disclose the character of the offense. Congress began to pass this legislation as early as March 3, 1825. It was repeated April 5, 1886, and again repeated July 7, 1898. It does not appear from 1825 down to the present day that anybody has questioned either the validity or the wisdom of the law, and I do not think that at this late date Congress, and particularly this committee, ought to undertake to change it.

Mr. BACON. Mr. President, I confess that it is a question not free from difficulty in my mind. The act of 1898 I suppose I ought to be familiar with, as I think I was on the Judiciary Committee at that time, but I do not recall it. Much that the Senator from Utah [Mr. SUTHERLAND] has said, I myself had it in my mind, less perfectly, to say. There are very grave reasons why there should be some such legislation. At the same time I see very great difficulties in making the legislation effective and many difficulties in entirely justifying it, some of which have already been very forcibly suggested by the Senator from Idaho.

By way of illustration, to show the necessity for it, taking the case of a prohibition State, where the sale of liquors is prohibited in any part of the State: If there is to be no such legislation as this, in every public building or in every park which surrounds a public building there could very easily be established any number of illicit concerns, and even if there were no buildings there could be illicit transactions in the sale of whisky, and it would be resorted to for that purpose, because it would be without the jurisdiction of the State, and at the same time there would be no means by which it could be punished by the United States.

Mr. SUTHERLAND. If the Senator will permit me right there, I think his illustration bears out precisely what I have said—that there are in States offenses peculiar to the particular States, and if Congress were to undertake to pass a law of general application, it would be appropriate in some States and wholly inappropriate in others.

Mr. BACON. At the same time I confess there comes up a difficulty as to the compliance of Congress in that particular with the obligation to make the laws of uniform operation. Of course we recognize that all laws should be uniform, and especially all criminal laws. The question naturally arises as to whether that obligation can be evaded by the adoption of statutes which shall be different in different States rather than directly legislate ourselves for different States. It is a very troublesome question.

Another difficulty which arises is this: As I understand the learned Senator—I have not myself had the opportunity to examine the decisions in this regard—a statute of this kind can only be made effective as to legislation of States which has preceded the adoption of this statute. Am I correct in that?

Mr. SUTHERLAND. That is my understanding of the situation.

Mr. BACON. Very well. Now, the Senators will easily perceive the one great end to be accomplished by this legislation. Even if it is not open to the objection of the want of uniformity, necessarily it is very incomplete in its operation by reason of the fact that there are constant changes being made in the legislation of the different States, which are just as important, under the view presented by the Senator from Utah, to be enforced as legislation, which precedes the adoption of this particular statute.

Mr. HEYBURN. Mr. President, if I may be pardoned for interrupting the Senator from Georgia—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. One objection which has impressed itself on my mind is that after a State, in the light of the wisdom which it gathers from time to time, shall repeal a law because it is obnoxious to the sense of its people, the United States, within that same jurisdiction, goes on enforcing that law.

Mr. BACON. Has that also been determined by the courts?

Mr. HEYBURN. That is the practice, and that is the provision of this section, which was one of the strong objections that I have always urged. In the law passed in 1825 we adopted the State legislation up to that time. Now, as late as 1877, the year before the passage of the last act, the United States courts were enforcing State statutes that had been obsolete since or repealed twenty, thirty, forty, or fifty years. It strikes me that that is very inconsistent with the correct administration of justice.

Mr. BACON. Mr. President, this is a very difficult question and I think we had better let this section lie over for the purpose of seeing if we can not arrange it in some way. On this

matter of prohibition something must be done, if it is within the jurisdiction and power of legislation to accomplish it. I think there ought to be a specific provision prohibiting the sale of liquors, distilled, fermented, or otherwise, in any jurisdiction of the United States included within a State where there has been a prohibition of the sale of such liquors by the State, and a specific penalty provided by the United States, and not trust to the possibility of the statute itself being sufficient when referring to penalties prescribed in the statute.

Mr. HEYBURN. Mr. President, I have very much sympathy with the Senator's purpose, as expressed by him, to protect States against a violation of their local laws through the medium of the General Government itself; but I should think that such legislation should be introduced and go to the proper committee in the ordinary process of legislation rather than attempt to incorporate it upon this criminal code.

I should like, if the Senator will pardon me for a further interruption—

Mr. BACON. Certainly.

Mr. HEYBURN. To suggest that this section under consideration, while it pertains to the administration of the criminal laws, is merely in the nature of an administrative provision, and I think we should do no harm if we should refer this section to the standing Committee on the Judiciary of the Senate and allow them to consider it and report such separate action as they might deem wise; or, if they report in time, before the final disposition of this code, then the result of their wisdom might be incorporated into this criminal code. It is, however, not very material whether they reach a conclusion in time to incorporate it in the criminal code or not, because it is really an administrative provision.

Mr. BACON. Mr. President, I think it is very important that, if any change shall be made, it shall be made in the enactment of this revised penal code. We know how difficult it is to get legislation through Congress, unless it is some matter in which there is a general interest, or unless it is something connected with the operation of the Government. A very slight obstruction can defeat any legislation. I am perfectly willing, if the Senators so desire, that there shall be a reference of this section to the Judiciary Committee, with instructions to report either that section as it stands or such amendments as they may see fit to suggest or recommend. Something ought to be done about it.

Mr. HEYBURN (in his seat). Pass it over.

Mr. BACON. It is an important matter and it should be determined whether this statute is sufficient legislation, or whether additional legislation is required in order to make valid the legislation of States as to subjects-matter not covered by the general legislation of the United States.

Mr. GALLINGER. Mr. President—

Mr. BACON. If the Senator prefers—

Mr. GALLINGER. I will not interrupt the Senator if he desires to go on.

Mr. BACON. I yield to the Senator from New Hampshire with pleasure.

Mr. GALLINGER. I was simply going to inquire of the Senator if I am correct in the assumption that this very subject is now before the Committee on the Judiciary in another form?

Mr. BACON. No; I think not. The matter which is now before the Judiciary Committee is one which relates entirely to interstate commerce—the transportation of liquors into one State from another State. That, the Senator from New Hampshire will recognize, is an entirely different subject from this; which is a proposition to protect a State against the violation of the laws of that State within the reserved jurisdiction of the United States in public buildings and grounds and things of that kind. It is absolutely a different principle.

Mr. GALLINGER. It is.

Mr. BACON. And a different provision would be required.

Mr. GALLINGER. If the Senator from Georgia will permit me, I quite agree with him that if it is possible to legislate on this subject, we ought to have legislation.

Mr. BACON. Well, it is possible, and it must be possible in the nature of things.

Mr. GALLINGER. Mr. President, it is a crying evil as the matter stands to-day, that in prohibition territory the people are not protected; that to-day liquor is sent into such territory and the intent or the will of the people is really overridden in that way. I hope the Senator will exert his great influence to secure, either in this penal code or in some other way, legislation that will be effective.

Mr. BACON. Mr. President, I quite agree with the learned Senator from New Hampshire [Mr. GALLINGER], but I do not think that the suggestion of the Senator from Idaho [Mr. HEYBURN], which I overheard—it being sotto voce—that it be

passed over would be satisfactory at this time. I do not think it is sufficient to pass it over unless we first determine whether we are going to act on it or whether we are going to ask the Judiciary Committee to examine it before we act. If the latter course is to be adopted, it is important that the subject should be referred at once, in order that the report of the committee may come in and that the Senate may have the benefit of it before we finally enact this penal code.

Mr. HEYBURN. Mr. President, I intended to move that it be referred to the committee, but I did not want to take the chances of having the question of a quorum raised should it come to a vote.

Mr. BACON. Oh, no; there is no danger of that.

Mr. HEYBURN. Of course there is a very slight attendance now. If there be no ye-a-and-nay vote called for, then I will move now that the section be referred to the standing Committee on the Judiciary of the Senate, with the request that the committee report as early as possible either this section or some section covering this question.

Mr. BACON. Either the section as it stands or with amendments.

Mr. HEYBURN. But if there is going to be any question or a roll call, I will not make that motion.

Mr. KEAN. What do I understand to be the motion of the Senator from Idaho, Mr. President?

The VICE-PRESIDENT. The Senator from Idaho moves that section 286 be referred to the Committee on the Judiciary.

Mr. KEAN. I ask the Secretary to kindly report that section.

The VICE-PRESIDENT. The Secretary will read the section at the request of the Senator from New Jersey.

The Secretary read as follows:

SEC. 286. [Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territory, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District.]

Mr. KEAN. Does the Senator from Idaho propose to commit that part of the bill to the Committee on the Judiciary?

Mr. HEYBURN. Yes. I will inquire of the Senator from New Jersey if he has been present during the statement of the reasons upon which this motion was made? I have not observed his presence in the Chamber, and I do not know whether or not he has been present.

Mr. KEAN. I do not know that I am very clear as to the reasons why the section should be referred.

Mr. HEYBURN. It has been discussed at some length. The reasons have been given which involve the question of the right of Congress to adopt by reference the laws of a State and also the inconvenience of the United States courts being required to enforce the laws of a State oftentimes long after the State has repealed them.

This section provides for the enforcement by the United States courts of the laws of the State in existence at the date of the passage of the act, giving them no right to recognize the subsequent repeal of the act, making it necessary to reenact this section. Should we adopt it, as I have suggested, it would result in the United States courts enforcing laws that are not written in the United States statutes.

It is rather a large question, and it has been under discussion for nearly an hour. In order that the question might be considered by the Judiciary Committee, a standing committee of the Senate, I moved to refer that section to that committee. That would in no way interfere with the progress of the consideration of this code, because the section is really in the nature of an administrative provision. In any event, it is suggested that the standing Committee on the Judiciary will be able to report either this section or some substitute for it before it will become necessary for the Senate to finally act upon it.

Mr. KEAN. A substitute for this section?

Mr. HEYBURN. They can either report this section or a substitute for it, or such amendment to it as it may be deemed wise by them to do.

Mr. SUTHERLAND. Mr. President, before that motion is put I merely want to make a suggestion.

The clause of the law which provides that notwithstanding the subsequent repeal or amendment of the State law it shall continue in force under this section has been criticised. I do not see that Congress could do anything else than to make that provision, because, if we permit a State to repeal a law which

we have put into operation by this section, then we are permitting the State to legislate, for to repeal a law is to legislate, and we have no authority to do that. While the section may be criticised, Senators have not pointed out any way in which the difficulty can be obviated.

Besides, a repeal may take place without getting rid of the substance of the law. Every time the statutes of a State are revised the old statutes are repealed, although the essential principles of them may be continued in force. Certainly we do not want to provide for any result of that kind, which, by a repeal in the nature of substituting new law of the same character, the old law will be absolutely swept out of existence. So there are two reasons why we are obliged to retain that section. First, because to take it out of the statute would result in conferring upon the States the right to legislate, for when we say that a State may repeal one of the laws which we have adopted it is to authorize it to make law for us in the future. So that, as it seems to me, there is no other way in which this subject can be approached from the practical standpoint.

Mr. BACON. I would ask the Senator, if he will pardon me—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I would like to ask the Senator whether, in his opinion, it would be within the competency of Congress to enact a statute that in every State where there is a prohibition against the sale of liquor it shall be unlawful on any of the United States reservations, such as court-houses, post-offices, and so forth, within that State for anyone to sell liquor, and to fix a penalty by the United States for the violation thereof? Does the Senator think we could enact a statute directed to that effect? If we could, I am in favor of the enactment of it, rather than to take the risk of the present section.

Mr. SUTHERLAND. Perhaps I do not quite catch the point of the Senator's inquiry.

Mr. BACON. I will repeat it.

Mr. SUTHERLAND. Does the Senator ask me whether it would be within the power of the State to pass such a law?

Mr. BACON. Oh, no.

Mr. SUTHERLAND. I did not think that was the question.

Mr. BACON. No; I do not think anyone would ask that question.

Mr. SUTHERLAND. I myself did not understand it that way, but others did. I think that it is within the power of Congress to pass a law providing that where it is an offense under a State law to sell liquor within the limits of the State it shall be an offense to sell liquor upon any property within the exclusive jurisdiction of the United States in that State.

Mr. BACON. Does the Senator think that would be competent?

Mr. SUTHERLAND. I do not see any reason why it would not be. Of course, the Senator is asking a pretty large question.

Mr. BACON. The reason I ask it is, if it should be deemed competent, I would desire the committee to report a proper amendment. If the committee does not desire to do so, I would myself offer an amendment to that effect, because it is an absolutely unbearable proposition that in a State where the sale of liquor has been excluded, upon every Government reservation in the State, in every post-office, court-house, or public building of any kind, there should be the privilege and the opportunity to violate the State law and set up the sale of liquors within those reservations. It is incumbent upon Congress, if there is any possibility of the enactment of a law which will effectually prevent that State of affairs, to enact a law of that kind.

Mr. SUTHERLAND. Mr. President, I entirely agree with the Senator, and I think that that very thing is accomplished by the section now under consideration.

Mr. BACON. I would suggest that, unless there may be a law now to that effect, there ought to be some general provision about the sale of liquors within reservations of the United States regardless of whether or not the reservation is within a prohibition State.

Mr. SUTHERLAND. Let me read just a line or two of the section to the Senator.

SEC. 286. [Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act—

Those are the places within the exclusive jurisdiction of the United States, like post-office buildings, and so on—

Shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.

Mr. BACON. There is no doubt—

Mr. SUTHERLAND. Does not that cover in precise terms what the Senator desires with reference to this specific offense?

Mr. BACON. It undoubtedly covers it, Mr. President; but the Senator certainly does not lose sight of the fact that, according to the decisions of the courts to which he himself has alluded, if the law, for instance, against the sale of liquors in a State was not in existence at the time of the passage of this statute, but should afterwards be enacted, then this statute would be ineffective to accomplish the purpose.

Mr. SUTHERLAND. That is quite true, Mr. President, and I do not know any way in which that particular trouble can be obviated.

Mr. BACON. It can be obviated if such a statute as I suggest can be enacted.

Mr. SUTHERLAND. Mr. President, I do not think we can go any further in providing for a specific offense than we have gone in the section covering the general subject of all offenses. We have provided here that the laws in force at the time of the passage of this law are adopted as the laws of the United States. If we were to pass a specific law with reference to this particular offense, we could only say that where the law of a State now provides that it shall be illegal to sell liquor within the limits of the State, then any person who sells liquor contrary to the terms of that law shall be deemed guilty of an offense against the law of the United States. I do not see that we could go any further with a specific law with reference to that offense than we have gone in this general section; and I think it covers the precise subject to which the Senator has alluded.

There is just one other suggestion that I was going to make with reference to this matter. The Code Commission, I think, reported 174 new offenses. The committee have adopted only about ten or twelve of them. If the Commission were to undertake to cover the whole field of criminal jurisprudence, those 174 cases would be multiplied many times. They would be undertaking a tremendous task, and they would get a body of law which, in many instances, would be entirely appropriate to some sections of the country, but would be entirely inappropriate to other sections of the country. I think it is very appropriate that, except with reference to the graver offenses which we have defined, where an offense is made punishable by the law of a State the same law and the same punishment should apply when the act defined by the law is committed within a place under the exclusive jurisdiction of the United States, but within the State. The citizen of the State then has his own local laws to look to. He is familiar with all those and familiar with the conditions, and is not driven to go to the laws of the United States as well as the laws of his State with reference to all these minor offenses.

The VICE-PRESIDENT. Will the Senator from Idaho kindly restate his motion?

Mr. HEYBURN. The motion was that section 286 as reported by the committee be referred to the Committee on the Judiciary of the Senate for their consideration and report.

Mr. BACON. Mr. President, I am not sure that that is an advisable course to pursue. We have at last got to thrash it out in the Senate. Attention has been called to it, and possibly between now and the time when we will take this up for future consideration there may be some better matured ideas upon the subject, at least on the part of some of us. It might be well to withhold that motion at least until we next meet.

Mr. HEYBURN. Let us pass over the section, then.

Mr. BACON. Very well.

The VICE-PRESIDENT. The Senator from Idaho withdraws his motion, and asks that the section be passed over. In the absence of objection, it is so ordered.

Mr. KEAN. I suggest to the Senator from Idaho, Mr. President, that it is now after 4 o'clock.

Mr. HEYBURN. Mr. President, I should like very much to have the consideration of the bill continued for half an hour. We are now approaching the end of the bill, and I think probably in half an hour we will have disposed of everything except the sections objected to. It will be necessary for me to be absent from the Senate to-morrow and the next day—an unavoidable absence—and, if it is within the rules of the Senate, it is my intention before we adjourn to-day to ask that the unfinished business be laid aside until 2 o'clock on Friday. I am not quite sure that that is within the rules. If it is, I shall ask it. I would like very much, if it will not inconvenience the Senator from New Jersey, to proceed with the consideration of the sections unobjected to of this bill for half an hour.

Mr. KEAN. The Senator need not consider that it will inconvenience the Senator from New Jersey, for it will not inconvenience him at all to go on with the bill; but numerous other

Senators have asked me if I would not kindly ask the Senator from Idaho to cease now and let the Senate adjourn. It is not on account of the Senator from New Jersey, who can stay here just as long as can the Senator from Idaho.

Mr. HEYBURN. If Senators who are present are tired of the consideration of the bill, that would be one thing. If it is those who are not present, it is another thing.

Mr. President, the presentation of this matter is not a labor of love, and those of us who have given our time to it and are willing to continue to do so, it seems to me might be indulged in the process of self-immolation here going on.

Mr. CLAY. Mr. President, I suggest to the Senator that we have been going too rapidly with this bill, anyway. We have been on it four or five days, and we will probably enact into legislation criminal laws that Congress ought to consume about three months in considering.

The VICE-PRESIDENT. Without objection, the Secretary will resume the reading.

Mr. KEAN. Mr. President, I think that we had better desist now.

Mr. HEYBURN. Mr. President, I ask that the reading continue.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. KEAN. I ask the Senator from Idaho if he will not lay aside his bill now?

Mr. HEYBURN. I can not consent to do so.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, as follows:

CHAPTER TWELVE.

PIRACY AND OTHER OFFENSES UPON THE SEAS.

SEC. 287. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

Mr. KEAN. Mr. President, I think this is the beginning of a new chapter. It is a good place to stop for the evening, and so I move that the Senate adjourn.

Mr. HEYBURN. Mr. President—

Mr. KEAN. I withhold the motion for a moment.

Mr. HEYBURN. To make a motion of that kind without laying aside the unfinished business is manifestly not fair.

Mr. KEAN. I do not wish to make it without laying aside the unfinished business.

The VICE-PRESIDENT. The Chair would state that the motion to adjourn is not debatable.

Mr. LODGE. Mr. President, I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator will state his parliamentary question.

Mr. LODGE. A motion to adjourn does not displace the unfinished business.

The VICE-PRESIDENT. In the opinion of the Chair it does not. It holds its place as the unfinished business.

Mr. HEYBURN. Can a motion to adjourn be made while a Senator holds the floor? I had the floor.

The VICE-PRESIDENT. The Chair understood that the Secretary was reading, and that no Senator had the floor.

Mr. HEYBURN. I think I had the floor, but, of course, the Chair determines whether I have the floor or not.

The VICE-PRESIDENT. The Chair will state that the bill before the Senate, which is the unfinished business, would not be displaced by a motion to adjourn.

Mr. HEYBURN. That is not sufficient, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from New Jersey.

Mr. KEAN. I withhold the motion.

The VICE-PRESIDENT. The Senator from New Jersey withholds his motion.

Mr. HEYBURN. Mr. President, if I am to have charge of the unfinished business, there is some consideration that will have to be given to the convenience of the committee that is before the Senate with its business. I can not consent to be displaced by a motion that is not debatable in the midst of the consideration of this business, or else I can not consent to have charge of this business—one or the other.

As I have said, this is not a desirable task nor a labor of love, and Senators will be called upon to have some consideration for the position the committee occupies in presenting this matter. I desire to say that I shall necessarily be absent from the Senate to-morrow and until some time Friday, and I desire, if it is within the rules of the Senate, that when the unfinished business is laid aside it shall be until 2 o'clock on Friday, to be then the unfinished business.

The VICE-PRESIDENT. The Chair would suggest to the Senator from Idaho that the bill might remain the unfinished business, the understanding being that it shall not be considered before the time mentioned by the Senator.

Mr. HEYBURN. But I think it was held on one occasion that such an understanding would not continue if the unfinished business if other business was taken up. There will be two legislative days between now and Friday, and some measure might be taken up in the regular order or on motion. An order of business taken up on motion would displace the unfinished business.

Mr. BACON. I suggest that the ordinary proceeding is the easy course to pursue—to lay aside the unfinished business temporarily. Then at 2 o'clock on the next day it will come up, and on the request of the Senator from Idaho or some other Senator it can again be temporarily laid aside. It will come up each day at 2 o'clock, and will in that way be disposed of, whereas if the Senator makes the motion he now suggests, and it is agreed to, that the unfinished business be laid aside until a time certain, the Senate may not be in session at that time certain.

Mr. HEYBURN. I realize that difficulty.

Mr. BACON. It seems to me the better course is the ordinary proceeding. When that is done the bill will come up at 2 o'clock on each successive day, and on each successive day the request can be repeated.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Certainly.

Mr. LODGE. Mr. President, I desire merely to say that it seems to me the method suggested by the Senator from Georgia is the proper one; but if I apprehended correctly what the Senator from Idaho has been saying, it is that he is obliged to be away for two days, and it would be a convenience to him if the Senate could go on with the bill on Friday, and, if an understanding could be had, that we should not adjourn over from Thursday, but would sit on Friday, so as to permit him then to continue the consideration of the bill. It seems to me that that is a courtesy which the Senate is always very willing to accord to any Senator who is compelled to be absent for two days or more.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Yes.

Mr. KEAN. I do not think the Senator from Massachusetts ought to ask us to agree at the present time not to adjourn over.

Mr. LODGE. I shall make no such request, but I do not think our adjourning over on Thursday is of the least importance. I do not think it would hurt the Senate if we sat on Friday.

Mr. FRYE. And Saturday, too.

Mr. LODGE. And Saturday, too, if we have business.

Mr. HEYBURN. I suggest to the Senator from Massachusetts that my purpose in laying aside the unfinished business until Friday was in order that it might forestall a motion to adjourn over from Thursday to Monday. I feel that this measure is of such importance that we might make some sacrifice to consider it, and I had it in mind that if the unfinished business was temporarily laid aside until Friday we would find the Senate in session on that day.

Mr. BACON. I hope if the Senator takes that course he will try to see to it that Senators attend the session and that not simply a few of us come here Friday, while four-fifths or nine-tenths of the Senate attends to other business.

Mr. HEYBURN. The first thing we know we will have some appropriation bills before us and we will have a dozen and one things that will keep pushing this important measure on ahead of it, and it is very important that this bill should be disposed of. For that reason I am disposed to resort to any proper parliamentary means in order that it may be disposed of and to keep the Senate in session at all proper times for that purpose.

The VICE-PRESIDENT. What is the request of the Senator from Idaho?

Mr. HEYBURN. It is, as stated, that the unfinished business be temporarily laid aside and that its consideration be resumed at 2 o'clock on Friday next.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent—

Mr. BACON. No; Mr. President.

The VICE-PRESIDENT. The Chair will state the request. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside, to be resumed at 2 o'clock on Friday next.

Mr. BACON. I may have misunderstood the Senator from

Idaho, but I did not understand him to ask for unanimous consent. I understood him to make a motion.

Mr. HEYBURN. No; I asked unanimous consent.

Mr. BACON. I shall object.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. I shall not object to a motion, and I should vote for such motion, but I shall object to a request for unanimous consent.

Mr. HEYBURN. There are not enough here to determine anything on a motion.

Mr. TELLER. Mr. President, I suggest the lack of a quorum.

The VICE-PRESIDENT. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 29, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1908.

INDIAN AGENT.

Thomas W. Lane, of Gannvalley, S. Dak., to be agent for the Indians of the Crow Creek Agency, in South Dakota, vice Harry D. Chamberlain, term expired.

RECEIVER OF PUBLIC MONEYS.

Daniel J. Foley, of California, to be receiver of public moneys at Eureka, Cal., his term having expired December 17, 1907. (Reappointment.)

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 28, 1908.

Isaac M. Meekins to be postmaster at Elizabeth City, in the State of North Carolina.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1908.

INDIAN AGENT.

John R. Howard, of Sauk Center, Minn., to be agent for the Indians of the White Earth Agency, in Minnesota.

PROMOTIONS IN THE NAVY.

Capt. William Swift to be a rear-admiral in the Navy from the 3d day of January, 1908.

Capt. Leavitt C. Logan to be a rear-admiral in the Navy from the 28th day of January, 1908.

Surg. Ralph T. Orvis, who was promoted to surgeon to fill a vacancy occurring March 1, 1905, to take rank as a surgeon from March 3, 1904, to correct the date from which he takes rank, in accordance with the opinion of the Attorney-General dated April 24, 1906.

P. A. Paymaster Arthur M. Pippin to be a paymaster in the Navy from the 22d day of October, 1907.

POSTMASTERS.

DELAWARE.

Charles Clifton Hickman to be postmaster at Lewes, Sussex County, Del.

GEORGIA.

William O. Tift to be postmaster at Tifton, Tift County, Ga.

NEVADA.

Ernest B. Loring to be postmaster at Fairview, Churchill County, Nev.

NEW JERSEY.

Abram J. Drake to be postmaster at Netcong, Morris County, N. J.

NEW MEXICO.

Miguel A. Romero to be postmaster at Estancia, Torrance County, N. Mex.

NEW YORK.

Henry R. Bryan to be postmaster at Hudson, Columbia County, N. Y.

Samuel H. Parsons to be postmaster at East Hampton, Suffolk County, N. Y.

Peter H. Vosburgh to be postmaster at Matteawan, in the county of Dutchess and State of New York.

NORTH CAROLINA.

Eugene Brownlee to be postmaster at Tryon, Polk County, N. C.

James McN. Johnson to be postmaster at Aberdeen, Moore County, N. C.

J. R. Joyce to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina.

L. D. Mendenhall to be postmaster at Randleman, Randolph County, N. C.

Charles F. Smathers to be postmaster at Canton, Haywood County, N. C.

Elisha C. Terry to be postmaster at Hamlet, Richmond County, N. C.

OKLAHOMA.

Dudley B. Buell to be postmaster at Krebs, Pittsburg County, Okla.

SOUTH CAROLINA.

R. C. Gettys to be postmaster at Blacksburg, in the county of Cherokee and State of South Carolina.

Wilmot L. Harris to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

George H. Huggins to be postmaster at Columbia, in the county of Richland and State of South Carolina.

Aaron M. Morris to be postmaster at Pickens, Pickens County, S. C.

Samuel T. Poinier to be postmaster at Spartanburg, Spartanburg County, S. C.

Alonzo D. Webster to be postmaster at Orangeburg, Orangeburg County, S. C.

SOUTH DAKOTA.

James E. Wells to be postmaster at Mitchell, in the county of Davison and State of South Dakota.

TENNESSEE.

John J. Duff to be postmaster at Lenoir City, Loudon County, Tenn.

Lorenzo H. Lasater to be postmaster at Athens, in the county of McMinn and State of Tennessee.

VERMONT.

Mary W. Chase to be postmaster at Derbyline, Orleans County, Vt.

Thomas Mack to be postmaster at Vergennes, Addison County, Vt.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 28, 1908.

The House met at 12 m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3640. An act to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment."

S. 536. An act to establish a fish-cultural station in the State of Delaware;

S. 597. An act amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (27 Stat. L., p. 347);

S. 762. An act to establish a fish-cultural station in the State of New Jersey;

S. 819. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians;

S. 1729. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 1824. An act to establish a fish-cultural station in the State of Alabama;

S. 2024. An act to amend "An act authorizing the Commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington," approved March 2, 1891;

S. 2328. An act to establish a fish-cultural station in the State of North Carolina;

S. 2424. An act providing for a United States exhibit at the International Mining Exposition, Madison Square Garden, New York City; and

S. 3350. An act for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida.